



A  
H I N T  
TO THE  
BRITISH NATION  
ON THE  
VIOLATION  
OF THEIR  
CONSTITUTIONAL RIGHTS.

“ But every British Mind knows that there is a Reciprocity  
“ of Obligation between a State and its Subjects, and that  
“ in Return for the Allegiance of the latter, Justice, in  
“ impartial Scales, is due to the former.”

Letter from the Bengal Army to Lord North,  
January 31, 1784.

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L O N D O N:

Printed for J. DEBRET, opposite Burlington-house,  
Piccadilly.

MDCCLXXXVII.



PATRONAGE is the *Magnet* of a Minister. Ever since the affairs of the East-India Company became objects of Ministerial interference, the successive Ministers have grasped at the absorption of their power. If we examine the motives of this conduct, we shall find them to have proceeded from narrow and selfish ambition—We shall find, that their retainers have been employed to traduce the characters of a People at large, instead of reprobating *only the few*, who may have deserved it. Such has been the ungenerous, such the



*unjust treatment* of our fellow-subjects, the British inhabitants of Asia!

Let dispassionate persons abstract, from the numberless volumes, with which angry and envious men have loaded the press, a list of the Gentlemen of India, against whom any specific charges have been alledged—They are not aware, how very few they will find. Let these few be compared to the total number of servants employed during the periods, in which the misdemeanors are said to be committed; and then let us look about us at home, and elsewhere, amongst the servants of the Nation, and see, in whose favour the scale of Integrity will preponderate. But if, unhappily, an exceptionable character or two should have been found in a *certain Assembly*, is it therefore to be presumed, that the whole are corrupt and profligate? This would be an absurd, a groundless, and an impertinent inference; yet neither

more

more *absurd*, more *groundless*, nor more *impertinent* than to vilify the generality of other numerous and respectable Societies of Gentlemen, for the *alleged* faults, or even for the ascertained *crimes* of a few. And who are these Gentlemen of India?—Are they not our children, our relations, and fellow citizens? Do we not carefully teach them all the precepts of morality, and bestow great expence in procuring them the best education, in order to qualify them for public stations in that country? Are these exertions of friendship, and of parental kindness, compatible with a purpose of consigning them to certain obloquy, on the very precarious chance of their returning to us with fortunes? No; our character is not so debased. We think, and we have reason on the best grounds to think, as favourably of the Gentlemen of India, as of any other description of men.—Even in their most limited circumstances, they share their incomes with

of their relations, as require it. Their BENEVOLENCE and HOSPITALITY is proverbial: and does not Philosophy teach us, that the sentiments, which produce such general effects in society, are totally irreconcilable to the depravity, that has been so falsely ascribed to them by interested men? and unfortunately with such success, that we seem, for a time, to have forgot the dearest ties of affection and interest, by which we are connected with our relations abroad; and to have looked with indifference on every mark of dishonour and mortification imposed upon them! We have suffered our judgement to be too long overwhelmed in the political vortex of a few individuals. One attack, of recent memory, was repulsed, as an attempt to lay violent hands on *Mercantile Charters*;—but what followed? Mr. Pitt took the same Fortrefs by *Sap*, which Mr. Fox had assailed by *Storm*: and whilst we only regarded the *Dramatis Personæ*, we lost sight of the *Plan*

*of the Piece*——A Charter, more valuable than ten thousand Mercantile - parchments, THE GREAT CHARTER OF ENGLISH LIBERTY, has been violated. One numerous and respectable class of our fellow subjects have been disfranchised of the greatest and most substantial blessings of Freedom, deprived of the *Trial by Jury*, and doomed to be dragged eighteen or twenty thousand miles, to be prosecuted for offences, most fairly and most properly triable only on the spot, where the evidence of guilt or innocence can be obtained; *and where there is a competent Judicature already established.*

But though the nation, for a while, remained insensible to the blows aimed at the Constitution, *our children*, against whom they were most immediately directed, though far from this land of freedom, yet teeming with the love of liberty and of their country, have reminded us of our duty; and shall we neglect it? Shall we  
 refuse

refuse them that justice, which they claim in the language of duty and affection, yet with the freedom of Britons, which proves them to be *indeed our children*? Parental duties, the ties of nature, and even *policy*, forbid it.

Their petitions from India for redress are already in the hands of the Public ; but the following letter from the Bengal army, intimately connected with the same subject, not having yet met the public eye, it is a good service to the State to bring it into general view, because it contains *in very intelligible terms*, the sentiments of one of the most respectable bodies of gentlemen in the world, on a subject which has not yet received the liberal consideration it so eminently deserves ; and because it will enable *men of reflecting minds* to judge what the effect may be, not only of slighting and neglecting temperate applications for redress, and of treading the feelings of high-minded men under the cold  
and

and iron foot of indifference, but of adding the further, various and more “ *intolerable grievances*,” in which they have since been implicated with their fellow servants of the civil line.

We are taught to believe that certain causes must inevitably produce certain effects; it is therefore the general duty of the nation, but most peculiarly incumbent on Ministers to adopt such measures *only* as shall bind the Factions of the subject, and secure, *equally to all*, the invaluable privileges of our free Constitution.



## H I N T,

&amp;c.

MY LORD,

THE superiority of rank which his late Majesty, empowered by a clause in an act of Parliament passed in the year 1753, was pleased to confer on the officers of his own army, over those of the East-India Company, when employed on the same service, though long endured in silence, has become so highly prejudicial to the latter, and been exercised in a degree so extremely painful and humiliating to them, that, having the feelings of men, and the pride of soldiers, they could no longer behold the mortifying, and, we presume to add, unmerited

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distinction,



distinction, without endeavouring, in a becoming manner, to obtain relief.

With this view it has been, unanimously, resolved by the army, that a petition, signed by the field Officers and Captains of this establishment, should be presented to His Majesty, humbly and respectfully, soliciting that he would be graciously pleased to remove the grievance under which the Company's Officers have so long suffered.

In pursuance of this resolution petitions to the King, and to the House of Commons, were drawn up by the Committee appointed for the purpose; and having received the signatures of all the field Officers and Captains, excepting those who were on distant and foreign service, were transmitted to the Court of Directors, together with one to themselves, wherein they were entreated, as the immediate guardians of the rights of the Company's servants, to exert their influence towards the accomplishment of the purposes aimed at, which extend no farther than

than to obtain an impartial participation of those privileges to which all His Majesty's subjects, in the military line, have in common a right.

Owing to unavoidable movements of the forces, the Officers who composed the first Committee have been separated; but the army being determined to prosecute, steadily, their purpose of carrying their humble remonstrances to the Throne, and to guard, as much as possible, against similar obstruction by future changes in the disposition of the troops, resolved to elect for that purpose a permanent Committee of Officers, whose situations in the service render it necessary for them to reside chiefly at the seat of Government.

And we, who have had the honour of being so elected, enclose to your Lordship a copy of the petition intended for His Majesty, and beg leave to add a few arguments and observations in illustration of it.

It may be remarked, that, when this superiority of rank was conferred on the King's Offi-

cers, the authority of the Company was confined within the narrow limits of their factories, and that the troops in their pay were so few as scarcely to admit the name of an army.

But since that time, through a variety of occurrences, and the efforts of military exertions, they have acquired territorial possessions of such vast extent as to be an object of great national importance; for the preservation and security of which large armies are constantly on foot, and the Officers and men composing them, by continued practice, have arrived at a degree of perfection in discipline, not surpassed by European troops, as has been fully evinced by the conduct of the Company's forces in the wars in the Carnatic, on the coast of Malabar, and beyond the Jumna; wherein, as well as in former wars, their Officers have displayed as much professional knowledge, have been as forward, and bled as freely as those gentlemen who had the honour to bear His Majesty's commissions; nor has the determined courage of their soldiers been less conspicuous. And hence we may be allowed, with

submission, to infer, that however necessary the distinction of rank may have been judged in the infancy of the Company's authority, the continuance of it, after the cause ceased, by a regular and formidable military establishment of their own, is unphilosophical, unmerited, and unjust.

Having, we presume, removed every ground of objection, on account of alledged professional inferiority, we shall proceed to shew your Lordship, that in some points, and those of importance, the Company's Officers possess a manifest superiority over those of His Majesty.

By entering into the service at early ages, the constitutions of those who survive become assimilated to the climate; they acquire, by a constant and indispensable intercourse with the natives, a familiar acquaintance with the languages, manners, and customs of the men composing our own armies, and a knowledge of the politics and connections of the Princes around them.

And

And although ignorant men may disregard these qualifications, or designing men affect to despise them, we are persuaded it cannot escape your Lordship's penetration how essential they are towards inviting and conciliating the natives to the service.

It is evident that, in this country, neither the duties of the parade, nor the field of action, could be conducted by the most able tacticians, without a ready use of the Asiatic languages; nor is it possible to gain and preserve the affections of an army, so variously composed, without indulging, in some degree, the prejudices of their different tribes, which can only be done by Officers, who, through long intercourse and application, have attained a knowledge of their religions and manners.

If these positions be, as we believe they are, incontrovertible, it follows that any regulation which loses sight of, or counteracts them, is undoubtedly impolitic.

The rise in the Company's armies, though regular, is far from rapid; the Colonels and Lieutenant Colonels belonging to them have served from eighteen to thirty years; and not an Officer has of late arrived at the rank of Major in less than fifteen, nor of a Captain in less than twelve years; and we have now, though at the close of a war, Subalterns of thirteen years standing, who would be commanded by His Majesty's Subalterns, who had not borne commissions as many days.

If the length of service of the King's Officers now in India be compared with the above, the difference, in every rank, will be found to be excessive. It would be invidious to point out any particular persons; but we may be allowed to say, that some of His Majesty's Officers now enjoying the rank of Colonel, or Lieutenant Colonel, were not in being; and few of them emancipated from school, when many of the gentlemen, whom we have the honour to represent, were rendering brilliant and important services

VICES to their country, by establishing the power of the British nation in Hindostan.

*If to this disparity, in point of service, between Officers of the same rank, be added the advantages which His Majesty's Officers derive from brevet commissions, by virtue whereof they obtain an advance of one, or even two degrees of rank, and also the great disproportion in number between the General and Field Officers in the King's and Company's forces, it cannot be denied that the Company's Officers have the greatest reason to consider themselves grievously oppressed and degraded.*

It is to represent these circumstances, that, in all humility, the Officers of this army have presumed to approach the Throne, which became necessary, because the injuries complained of can only be removed by the Royal authority; and we hope, that our gracious Sovereign will not deem unworthy his consideration the humble address of so numerous and respectable a body of his military subjects, as compose the Company's

pany's armies ; but that he will be pleased to annihilate that distinction, which has operated so much to their prejudice and humiliation, and permit them to rank on a footing of equality with his own Officers, when serving together in India.

We are strongly flattered in these hopes by the late exertions of this equitable rule in favour of the Militia in England, and Provincials in America, who were heretofore under the same disadvantage as the Company's Officers now are ; for as it was found expedient to abolish the former invidious distinction, in justice to Gentlemen who only take up arms occasionally, we hope His Majesty will not deem it reasonable, that it should continue to operate against those who have followed the profession from their infancy, and who tenaciously cherish those principles of Military Honour, *which teaching them to feel their own importance, and to believe that they are worthy of being on a level with His Majesty's most deserving subjects,*



*must ever make them impatient under unremitted slight and degradation.*

The hardship complained of in the Petition, though in itself of magnitude, is not the extent of the evil, which we are apprehensive may arise from the undue preference given to His Majesty's Officers: for though it was hoped, that the conclusion of the war, in the course of which the Company's Officers have acquired an equal share of applause with the King's, would have put a termination to the poignant sufferings of the Gentlemen, whom we have the honour to represent, by the recall of His Majesty's forces from India, yet there is now too much reason to suppose, that all His Majesty's Officers in this section of the globe will be introduced into the Company's service, with their respective ranks, or that, by their continuance, supercessions, which have hitherto been felt as temporary only, will become permanent *and insupportable to men of pride and dignity of mind.*

If this should happen, several of His Majesty's Officers, now in India, would supercede  
even

even our Commanders in Chief; many, our Colonels and Lieutenant Colonels, most of them, our Majors and Captains, and all of them, our great body of Subalterns: besides, if the practice of admitting His Majesty's Officers into the Company's service be commenced, we may naturally expect that it will be persevered in, and that new Officers will be annually sent from Europe, who still superseding those of the Company, would cause such excessive mortifications, and such a stop to promotion, as would undoubtedly tend to destroy the attachment and ardour of those officers, who have devoted the most valuable season of their lives to the service of the Nation, though in the pay of the Company, and on whose fidelity and vigour the safety of the British Asia must in a great measure depend.

If these supercessions, which, we apprehend, should take place, it is obvious, that the King's Officers would come with such advanced rank into the Company's service, as to possess them of every military station of importance; and thus

all the advantages, which the Company's Officers may fairly be supposed to have acquired, from long service in India, would at once be lost. Not only justice, therefore, to above two thousand Officers, under the Company's Presidencies, who are all equally interested in the issue of this business, and who have ever deserved well of their King and of their Country, but reason and policy forbid this innovation. His Majesty's Officers can return on leave to Europe in the enjoyment of their Commissions and subsistence, and may come back with additional rank, either acquired by Court influence, or weight of purse; but the Company's Officers, in a state of exile, cannot quit this country, without relinquishing the service, and losing their pay.\* Thus they are not only  
liable

\* Since this Letter was written, the Governor General and Council, in order to reduce the military disbursements, by saving the Batta, House-rent, Tent-allowance, and other charges necessarily connected with the military service in India, published advertisements, offering permission to officers to come to Europe, on leave of absence on their  
pay,

liable to the mortifications of particular injuries, but subject to the indignity of a general and lasting supercession of every rank, without the possibility of availing themselves of any of the means by which advancements are attainable in His Majesty's service. In a word, they suffer severely by all the evils, without participating in any degree in the advantages of the prevailing practices in His Majesty's Army. And here your Lordship will permit us to observe, and to request that you will be pleased to state, most

pay, to be drawn by their attornies in India, or *half pay*, receivable in England. Many Officers accepted of the first alternative: but no sooner did they arrive in England, than the Court of Directors, in direct violation of the spontaneous agreement of the Administration abroad, which are unquestionably binding in the Company, signified, in form, to the Gentlemen who came home on their pay, receivable in India, that if they would not accept of the *half*, *instead of the full pay promised* to them, and even enter into bonds to refund what their agents may already have drawn, *they must consider themselves as out of the service*, expecting, no doubt, that this threat of instant dismission will deter Officers from seeking redress. But it behoves their constituents, the Proprietors—and, indeed, it behoves higher powers, to consider how far such conduct is justifiable and wise,

particularly to His Majesty, that in armies, where the fair practice of progressive rise has been firmly established, supercessions of any kind must ever be more odious, and more galling and intolerable, than where promotion is daily obtained, without service, through interest, or by purchase.

We are fully sensible, that the requests of this army may possibly meet with opposition from the King's Officers, who are interested to defeat the success of them; but the reputation, which your Lordship bears for a correct and upright administration of justice, gives us reason, confidently, to trust, that your Lordship, who are placed in an exalted station, near His Majesty's person, to attend to the complaints of British subjects, however far removed from the Mother Country, and to convey them to the Royal ear, will not suffer any predilections to warp you from the duties of your lofty situation, nor to bias your mind against policy and public justice.

For as it is the duty of His Majesty's confidential servants to suggest to his Royal mind, their honest opinions, on the complaints of any body of his people; and as we believe that, independent of such a sense of duty, your own love of justice, which gives a lustre to your high rank, will prompt your Lordship to aid the rays of Royal wisdom, you will, no doubt, hold out to his Majesty's view the enterprising spirit, by which the Asiatic dominions have been acquired, and the wonderful policy by which they are preserved. Your Lordship will shew him, that it is by the address of a handful of his gallant subjects, who, in the midst of hostile millions, have been able, by the advantage of the peculiar qualifications already mentioned, to conciliate the natives to his service, and to make them even the instruments of maintaining the conquest over themselves.

In contemplating a little further on this subject, it will naturally occur, that the connection between the British Empire, and its Eastern Dominions, as well as the preservation of  
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the latter depend upon the loyalty and affection of the great Body of Officers, who by the vigour and policy of their conduct, have obtained such an ascendancy over the Soldiers of Hindostan.

This loyalty, we confidently hope, will always remain unshaken, and this affection unabated. We trust in God, also, that the hundred thousand regulars, whom his Majesty will see in the returns, carried home by the late Adjutant General of India, will ever be employed in supporting the honour and dignity of his Crown; and if it be remembered, that they recently bayoneted some of the bravest sons of France, at their guns, the merits of the Officers, who have brought them to that point of discipline, *will no longer be neglected.*

But every British mind knows, that there is a reciprocity of obligation between a State and its subjects, and that in return, for the allegiance of the latter, Justice, in impartial scales, is due from the former.

His

His Majesty has communicated the benign influence of this equitable and fundamental principle to the Hanoverian troops. The Officers of this army regard these as their fellow subjects; but they have too just a respect for themselves to admit, that any class of the King's British, much less of his foreign subjects, have any pretensions to pre-eminence over them.

It is repugnant to every maxim of the British Constitution, and the Royal understanding is too enlarged, and too replete with wisdom, to continue a system, which ignominiously discriminates one part of his military subjects from the other, without any solid benefit to the State; for it is impossible, *that any good can result from wounding the pride of gentlemen of liberal minds*, who have, on every occasion, honourably distinguished themselves in the service of their country; whereas, by persisting in it, such jealousies and heart-burnings may be excited between the King's and Company's Officers, as might be very destructive of that unity of soul, and harmony of action, which are so necessary to invigorate, and



give success to the enterprise of combined armies.

If it be objected that the gentlemen for whom we act, are in the pay of the East-India Company, may it not be answered, that they nevertheless are the servants of the State ; that they tread the same fields of honour with the Officers who bear His Majesty's commissions, and are as forward in supporting the interest of the nation, and the glory of the Crown ? But this is not all—for are not His Majesty's Officers, in India, to all intents and purposes, in the service of the Company ? We have the authority of Parliament for asserting that they are ; the Company's treasuries not only yield them subsistence, but every extra allowance, with which they find it necessary to indulge their own Officers in this climate.

Nor is it a small aggravation of the grievances imposed on this army that their immediate masters pay for Officers, generally young and unpractised in the arts of war, to supersede their own Officers of long service and experience ; and  
 although

although we allow the highest deference, and all the virtues that can be attributed, to the commissions, which these gentlemen bear, we believe it to be impossible that they should communicate superiority of talents, or supply the want of long practice in the profession of arms; and yet we know not any other ground on which these gentlemen can claim a title to precedence: indeed we impute their having preserved it so long entirely to a neglect of this army, in not having made complaints earlier to His Majesty, who, as the common father of his people, studies the happiness of the whole with equal and unbiassed affection.

We wish to flatter ourselves, that the period at which the Company's Officers have chosen, in all humility, to approach the Throne, will be deemed highly seasonable—not amidst the strife of arms, when His Majesty's attentions were engaged in nobly defeating the insidious combinations of his numerous enemies, did the Officers of the Indian armies seek to take advantage of the times, to intrude their complaints on their

King, or disturb his ear with their murmurs: but, like true citizens, they solicit the Royal protection at the termination of an arduous war, in which they have supported the reputation of good soldiers, and have given signal proofs of obedience, by their cheerful co-operation with His Majesty's Officers, under the most painful sensations, that could be produced from deeply-wounded feelings.

These are considerations which, joined to the evident justice of their representations, we are humbly confident, will make lasting impressions on the generosity and benevolence of the Royal breast; especially when supported by the sound reasoning, which we wish to believe, your Lordship, and His Majesty's other confidential servants, will respectfully lay before him in favour of this army.

Unequal as we confess ourselves to conduct the cause with ability adequate to the justice of it, or even to express with sufficient energy our own feelings on the subject, we trust, enough has  
 been

been said to establish on your Lordship's mind a complete conviction, that the great body of Officers, on whose behalf we have the honour to address you, for the information of His Majesty, are oppressed with grievances, which it will be *both wise and just to remove*; and we beg leave to rely on your Lordship's endeavours so to represent their situation to His enlightened and august Majesty, as to incline him favourably to their petition, and graciously to afford them that relief which, as a society of gentlemen, whose lives have been most zealously devoted to his service, *they feel they deserve*, and humbly hope to obtain.

We have the honour to be, &c.

*Fort William,*

*January 31, 1784.*



A N  
A P P E A L  
FROM THE  
H A S T Y  
TO THE  
DELIBERATIVE JUDGMENT  
OF THE  
PEOPLE OF ENGLAND;

CONTAINING

A Statement of the manifold Services rendered by our Fellow-countrymen in India, and the undeniable Claim they possess to the Applause of their Country,—to their good Fellowship and Esteem;

ALSO,

Vindicating the Characters of the MANY from the Imputations thrown on them by the Conduct of a FEW.

TOGETHER WITH

Some important Hints to Ministers, and to the Nation in General; but more *immediately* valuable to the Shipping Interests of this Kingdom; and humbly recommended to the Perusal of the Members of an august Assembly, during the Discussion of the Bengal Petition now before them.

L O N D O N :

Printed for J. DEBRETT, opposite Burlington-House,  
in Piccadilly.

M D C C L X X V I I .



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# TO THE PUBLIC.

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**I**NDIA DELINQUENCY having become so much a general topic, and so much is it the rage, indiscriminately to include in the obloquy every subject of this kingdom employed in India, that natural justice to so large and respectable a body of my countrymen, who labour under the unprovoked injury of so universal and unfounded a prejudice, has induced me to offer the following thoughts to the Public, on a subject, which, though not personally concerned in, I have considered with that cool and impartial deliberation, which, the passions of prejudiced people, soured by the conduct of a guilty FEW, have rendered them incapable of exercising for the innocent MANY. My intention is not to screen the guilty, but to rescue the innocent from



illiberal opprobrium. The justice and candour of my countrymen is such, that in this I can have little more to do than to place before them, in a conspicuous and concise point of view, the relative situation which our countrymen in India bear to us, and which the hurry of resentments only can have occasioned so liberal minded a People to lose sight of.

*TRUTH.*

A N

A P P E A L,

&c.

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**I**T is not, at any time, either an easy or a pleasant task to contend against prejudices ; but becomes a still more difficult and discouraging labour, when those prejudices, however ill-founded originally, have taken root with time, and been suffered to grow into constructive facts and admitted data, for want of simple contradiction. Such is the frailty or degeneracy of human nature, that the mind of man is infinitely more prone to censure and condemn, even unarraigned and unheard, than to admit merit where due, or, where merit cannot be denied, to bestow encomium

comium however deserved, however conspicuously just; and this it's depraved appetite is ever voraciously ready to seize any object, any pretence, or even rumour, however fictitious or problematical, that can countenance or gratify it's rage, or justify it's unprovoked rancour. We cannot but reflect with astonishment, and our senses must revolt at the idea, that, amongst men of the most enlightened understanding, whose minds have been cultivated and embellished by every liberal adornment within the spheres of the first seminaries of education and learning in the known world, such dispositions, so diametrically opposite, so disgraceful, so libellous to that wonderful work of nature, Man, should exist; but, painful as the idea is, the fact is incontrovertible, and the history of the present, as well as past time, comprises but too true and striking a likeness of this portrait of deformity.--- If we turn our thoughts and reflections to the Western World, and contemplate at all the scene which, for a series of time, there employed the ablest and wisest counsels of the People of England, and the dreadful issue and consequences of it, we shall find, that it *originated in prejudice,*

was *conducted in ignorance*, and has *concluded in rivetted obstinacy, anger, and compulsive severance* : ---that we lost thirteen rich and beautiful provinces, and as many millions of good, faithful, brave, and loyal subjects,---and all, because we were most *unnaturally prejudiced* against our fellow-subjects, whose coats we unfeelingly endeavoured to tear from their backs :---because we were ignorant of their strength, mistrustful of their fidelity, disdainful of their judgment ; and, scornfully rejecting that quantum of aid which their better reason and superior knowledge taught them it was more to our interest and welfare they should only *voluntarily* proffer under *wise limitations*, we vainly and madly attempted to exact one infinitely more hurtful and prejudicial for us to receive, than difficult, improper, or unjust for them to pay. And the Commutation Act shall testify to the latest posterity, and till time shall be no more, what the loss of America has sorrowfully taught us,---that we were driven wild by prejudice and ignorance, and that it was unjust, unwise, impolitic, and unprofitable, to pay so high a price for the *dried herbs even of China* ; or, in other words, to be mulct so large a fine for mis-  
taking.

taking and deviating so grossly from the duties of good financiers, prudent and dispassionate statesmen, as to raise the rate of teas, when our interests should have taught, and actually required us, to lower it.---But this was the effect of unnatural prejudice, supported by its inseparable companions, ignorance and obstinacy.

Turn our thoughts to the Eastern World, and we shall find a parallel losing game there also. Here, as with America, we again find two parties, which I may clearly distinguish by the *oppressors* and the *oppressed*. On one side, we see good and loyal subjects, faithful servants, and unexceptionably good men, who, at an early period of life having torn themselves from their parents, their kindred, and connexions, are devoting their time, labours, healths, constitutions, and lives, in climates proverbial for their inclemency, to the service of the Mother Country.---I speak of the collective body---the community of English subjects serving in India, at large.---On the other side, prejudiced and ignorant politicians converting themselves into judges of their conduct, which they take on presumption; unprotected masters, or employers, who silently suffer  
their

their servants to be censured and stamp'd with every frantic and opprobrious epithet, tho' wildly foreign to truth; and obstinate, unfeeling fellow-subjects, whose brains are filled with envy, hatred, malice, and all uncharitableness; and whose brows exhibit avarice, extortion, disappointment, discontent, and strife, and their soul bantling prejudice, which they have nurtured and cherished like a serpent in their bosoms; and I boldly warn them as the genuine dictate and belief of my soul, that it deserves and will require their utmost prudence to avert it's pernicious and poisonous influence from proving as calamitous and dreadful in it's effects and consequences in the Eastern, as it has been in the Western dependencies of this deluded kingdom.

In all cases, it is our duty to hear reason, and to enquire and inform ourselves before we venture to decide; how much more, then, is it incumbent on us to do so, before we proceed to condemn: and, in all cases, there exists some certain and indispensable criterion, some standard, by which the human judgment ought to be regulated and governed. On the subject we are to discuss, let us consider what that standard ought to be. It is

such as, I will venture to assert, the most virulent prejudices, the most partial, rancorous and envenomed mind will not dare openly to deny, however he may secretly wish to suppress.

First, we are insensibly led to enquire, who the class of British subjects in India are, against whom we are so unnaturally prejudiced, and what their connexion or affinity with us ?

Secondly, the nature of their services ; whether useful to us as a People, and serviceable to the State ; whether they are dutiful and loyal ; whether they share with us the common labours and toils of life, it's duties and services in aid and maintenance of the Parent State, as their submission and allegiance require ?

Thirdly, whether they are entitled to our commendation, or our censure ; our protection, and the just and liberal reward of their country for their services ; or its resentive condemnation and punishment ?

Fourthly, of whom consist the party, what are their merits, or what the services they have rendered their country, who have thus assumed or arrogated to themselves a right of jurisdiction  
over

over their fellow-subjects, kindred, and countrymen, serving in India ?

This last-mentioned object, it may be adverted, is going beyond the boundary of a line purely defensive, in as much as a comparison of conduct, and principles of action, in favour of the gentlemen of India, here stated to be the party *oppressed*, may possibly tend to throw much blame on the people of England, and especially by proving them but too justly styled the *oppressors*. The defence of the former may so unavoidably involve the latter, that this may, in some measure, become an inevitable consequence; and will, of course, be found highly warrantable; for, if the people of England have assumed to themselves a right of jurisdiction over their fellow-subjects in India, which their relative situation neither can authorize, or which can at all be compatible with their connexion, our countrymen in India certainly are not more unnatural in following only such example; nor can they have less reason and justification for peremptorily insisting on replacing and maintaining themselves in that just degree of equality which God and Nature gave them; and of which, so long as they demean themselves as



good and loyal subjects, God and Nature only can have power to deprive them, however erroneously or invidiously their fellow-subjects may attempt it.

It assuredly is not my meaning, or at all to my purpose, studiously to condemn my brethren of England; so far otherwise, I could wish to find them as spotless in imputation, as they are generous in conduct; and as just, as they are brave! My sole pursuit is to rescue from the most ignorant calumny, (for nothing less than ignorance could give birth to so gross a species of it,) and to defend the absent few, who, from the most laudable and loyal motives, are serving their country in India; also not to suffer the hearts of their fellow-subjects to be detached, and their affections alienated, while it is possible that a simple Appeal to self-evident facts may conduce to awaken them from unnatural delusion to the exercise of that sense and good understanding with which Nature has endowed them for the most benign purposes, and prevent their submitting themselves to be imposed on by the ready-made opinions of men of weak judgment and illiberal minds, urged on by spleen, envy, or jealousy---  
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men misled by every ill-founded and shadowless prejudice, with factious purposes in view, designing to blow up a conflagration that may for ever sow the seeds of dissention, revive the animosity, and rekindle the fury of contending parties to such an unbridled degree, as may convulse the kingdom from one end to the other. I repeat, it is neither my meaning or purpose to condemn: my only object and wish is to defend a very meritorious class of *ourselves* from the undeserved oppression of the rest; and, as from the present public discussion of this subject, and a late popular decision in a certain assembly, which fully involves and carries with it an exculpation of the foul imputations generally and indiscriminately thrown on the community of British subjects in India, we clearly perceive liberality of thinking and acting on it, to be gradually diffusing itself over the opinions of mankind, strong inducements, and some encouragement, influence me to treat freely of their actual relative situation, firmly persuaded, that if sentiments, founded on the clearest reasoning, and the most unquestionable facts, that shall meet the understanding of every man capable of reflection, shall fail of influencing

fluencing a conversion, and shaking ill-founded prejudice from the minds of my countrymen generally, they will, at least, obtain many advocates amongst men of liberal sentiments and enlightened minds, who, I am perfectly confident, only require misinformation to be removed from their breasts, in order to correct and revoke opinions founded thereon; and who, it cannot one moment be doubted, will feel themselves scandalized in being thought to suffer passion or prejudice to influence their judgment one moment after the appearance of fact and truth. The judgment of a tribunal so justly disposed, it must be the pride of every honest man to obtain; possessing and regarding which as an inestimable treasure, he assumes a second dignity, and scornfully and contemptuously despises any scattered seeds of envy and jealousy remaining elsewhere, as the feeble resort of weak men and weaker minds, incapable of further mischief. Supported by the voice of the serious few, he no longer regards the clamour and noise of the thoughtless many.

Having thus candidly declared my object, and the motives which have induced me to come under the discussion and criticism of the public eye,

eye, where writers in general, however conversant with the world, however qualified to meet it, and whatever their merits, experience but little justice and less mercy, I do not think it improper to subjoin, with a view of obtaining a clearer title to an impartial and patient hearing, that I have not any other :---that I have not any party purpose to answer :---that I have not the most distant connexion with Ministers, and that formidable phalanx supposed to be latently engaged in the protection of Eastern delinquents; and, most probably, never shall :---that if I wish one man to be Minister before another, my preference, insignificant as it may be, is founded on and regulated by that simplest of all rules, “ that I think him  
 “ the best qualified to render service to his coun-  
 “ try” :---that, connected with very few of the gentlemen from India---with none who have ever had the power to do mischief, or to bring the English name into disrepute, it is a matter of indifference to me, what the public opinion of them in general may be, otherwise than as I revere the cause of truth, in which I am not ashamed to be an advocate, however obnoxious the man suffering under it’s suppression.

To revert, then, to what ought to be the first object of our enquiry---Who the class of British subjects in India are, against whom we are so unnaturally prejudiced, and what their affinity or connexion with us?---

If it be possible, that an axiom of notoriety ever came within the compass of the human understanding,---within the orthodox admission of the whole world, this is one of so long an establishment as almost to forbid the enquiry which I here propose to make as an useless, unnecessary, and idle trouble: it most certainly ought to fall under that construction; but still, experience has shewn on every subject of discussion, generally, and on this in particular, that the human understanding is naturally given to roam and to traverse wide and even beyond the limits of the point under consideration, absolutely overlooking the vicinity within ocular demonstration, affording that surest and most indubitable evidence, which ought to have the first, the earliest, and most effectual operation and influence upon our judgments. It has so manifestly been the case in the instance before us, that I hold it indispensably necessary to recur to it, and endeavour to entice back my readers to the object  
which

which they have unpremeditatedly passed, and which it appears, has, consequently, wholly escaped their attention, or their recollection. They will forgive me, then, if, in the first moment of time, I remind them---of what requires no argument to prove---that the British subjects, serving their country in India, against whom they suffer such an unceasing torrent of invective, opprobrium, and virulent condemnation, to run wildly loose and madly frantic, *do not stand in a less near degree of consanguinity* than their own children, whom they really are!---Gracious God! *our own children!*---Yes, your own children, whom you have nourished, fed, and reared with every parental anxiety, but whom, not unlike the unnatural object of Solomon's judgment, you have almost given up to severance, without once deigning to open your ears for information concerning the cause, or reasoning on which such unnatural violence was founded---for what misconduct, or what crime, they have been thus disgracefully condemned! Nature and time teach us affection and attachment; and instinct mutually binds our yet inarticulate offspring to us, and us to our offspring. In what language, then, shall we de-

scribe---in what colours shall we even reflect, or suffer our imaginations lightly to touch, without horror, on the base desertion of those duties which we receive, as it were, by inspiration ! Base desertion ! I call it ; and hold it an infinitely more unpardonable transgression, in the sight of that awful Judge, “to whom all hearts shall be opened, and from whom no secrets shall be hid,” than any species of criminality to be found delineated even in the black catalogues of the crimes of a Jonathan Wild, a Major Semple, Catharine Rudd, or Warren Hastings !

Not to dwell longer on a position so undeniable, I shall only add, that I appeal for the truth of it to every individual who shall either read or hear it, and will implicitly abide by the decision of his own breast ; for it is next to a moral certainty, that it is scarce possible for any subject of this kingdom to sit in judgment amongst the people, and not find, that he has either a son, a brother, a relation, or connexion, in the service of his country in the East. Even Mr. Hastings (who, from the documents before me, notwithstanding his long studied endeavours to inculcate a very different belief, as a convenient cover for  
his

his own private purposes, appears to have been no less the oppressor of my countrymen serving under him, than the natives of India subject to his power) has described, in his public advices, “ many of them to be the sons of the first families “ in the kingdom of Great Britain.” Mr. Hastings is by no means the greatest of all bigots to Truth; but in this self-evident instance, where no veil was to be found, he has certainly sacrificed at her shrine.

Having thus endeavoured to restore you to the lost sight of your children,---your dearest connexions,---I shall proceed to the second object of our enquiry, by no means less interesting, or inferior in it's consequences as affecting your passions, or less important as it shall concern your pride, viz. “ The nature of the services of these your children in India,---whether useful to us as a people, or serviceable to the State; whether they are dutiful and loyal; and whether they share in common with us the labours and toils of life, it's duties and services, in aid and maintenance of the Parent State, as their submission and allegiance require ?”

To minds liberally disposed, and inclined to



reflection, I should only trespass, by entering largely into the wide expanse which the above positions comprize ; it would, virtually, be to detail an history of the British governments in India for a period of time little short of two complete centuries ; a work that would as far exceed my intentions, or what is at all necessary to my present purpose, as I am confident it would your expectations : neither have I the presumption to conceive myself qualified, by the occasional distribution of any allurements within the scope of my pen, and the humble scale of its description, to induce you to assume such an intolerable fund of patience, as would be absolutely necessary to accompany me through it. Besides, while you can turn to the superior, and, by this time, familiar productions of Verelst and Orme, you cannot possibly desire me to call to your memories more than their great leading features, if so much. I do not hesitate to conclude, you gladly join issue with me in this large retrenchment.

Our territorial acquisitions in India have long been the admiration and the envy of the whole European world ; and, since the severance of America, our quondam friends there have thrown  
a lasci-

a lascivious eye on them likewise. The peace was barely concluded, before the Thirteen Stripes were flying in the river Ganges, and a contest begun with the Custom-Master at Calcutta, which was obliged to be *amicably settled*, by the Americans lowering their standard, and hoisting (of all others !) the flag of France ! It seems to be a question, on which time is wasted by the sages of the present day, philosophers, politicians, constitutionalists, and others *equally well informed*, whether the possession of our Oriental dependencies be more a burthen or a benefit to this nation ? I find it has likewise crept into the speeches of some of the national senators, who have even advanced a step further, and wished the nation a perfect riddance of them. It is the loose language of state quacks, issued at random, which deserves no attention ;---the doctrine of men, infinitely more useful friends to our enemies than to us, who have no other means of obtruding themselves into the knowledge of the Public. If our Eastern settlements be the admiration and envy of nearly the whole known World, which is a fact that will not be controverted, why ought they to be less valuable

to us ? Surely, if we did not before know the treasures we possessed, the covetous thirst of our enemies after them should of itself awaken our senses to their importance. Possibly, they might be of less comparative estimation whilst we held good fellowship with America ; but, alas ! the situation of things is so widely changed since then, that we must now endeavour to retrieve in the East the dreadful losses we have sustained in the West. An annual contribution of a million and an half, and that greatly improveable, is no despicable aid to a nation like England groaning under taxation, and burthened with a heavy debt, the annual interest of which more than exhausts the whole of the national income ; and, for this aid, (or whatever the obstinate caviller will allow it to be,) to whom are you indebted ?---Not to the King's Ministers---Not to the East India Company, and their big-swalling-pompous Directors, for "*they toil not, neither do they spin*";---but, to *your absent children*,---your own offspring, who are serving in the East. It is to their merits---to their industry---to their activity---to their good sense and prudence---to their discreet management---to their labours and toils, and to the  
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heat of their brows alone, that you are indebted for the possession of one of the most extensive, the most populous, and, probably, the richest and finest countries in the world, and for every return of property, acquisition and wealth, of whatever denomination, that you derive from the East. ---It is to their active zeal you owe the present exalted state of the East India Company, whose precedence in the commercial world is so much the object of your boast :---it was their wise and enterprizing conduct which raised them from a confined trading company, without territory beyond the walls of a few small factories, barely on a footing with the present humble state of those of the French, Danes, Portuguese, or Dutch, to their now exalted condition of mercantile preeminence and territorial dominion, with a princely income of five millions sterling, a revenue which few potentates in Europe can boast. It was their good and spirited conduct which rescued this *little body* from the humiliating condition of being obliged to resort to and depend on the too often perfidious aid of our natural European enemies, their neighbours, for a combined protection against the oppressions of tyrant Mussulmen, and of enabling them

them to prescribe laws instead of receiving them, in one instance, and to grant that protection, in the other, for which themselves were before the solicitors. It was these our brave and faithful brethren, in all comparatively but an handful, who overcame myriads before deemed invincible, and obtained those lasting monuments of your glory in Asia for their country's benefit:---and, it was they who subsequently raised, disciplined, and attached armies to your service, whom they have repeatedly led to battle and to conquest, thereby giving stability and permanence to such vast acquisitions:---In short, it is to them you are indebted for the possession of *a second world !!!*---It is the literal exchange---the price which you receive for their blood shed in their country's cause, and their bones laid low in Eastern soil, of which the extensive European burial places at every settlement in Asia will bear lasting testimony\*.---Yet these are the children  
whom

\* To give my readers a competent idea of the state of mortality amongst Europeans in that country, where the individuals do not happily possess the expensive means of counteracting the pernicious effects of it's climate, I need  
only

whom you so hastily incline to abandon---to whom you envy the small participation of that immense wealth which their sacrifices have procured you, confining your observation with an evil eye, to the *fortunate very few* who live to return and share with you their well-earned property in their native country!--Small as, God knows, this their portion of wealth is, when put in competition with the numbers of those who drop in the pursuit, and, amongst whom, were the whole to be divided, it would barely afford each half a loaf! Shall we, then, thus unthinkingly suffer the imputation of envy to smother our admired character for generosity of sentiment, and benevolence of heart, and withhold the effusions of gratitude where so deservedly due?---Shall we, because not immediately under our eye, overlook the abundant merits of this division of our fellow-subjects, who, sent from their native country at an age of infancy, become responsible to

only instance the state of the British soldiery, the established number of whom ought to be *three thousand*; to support which the Company send an annual supply of *from eighty to one hundred recruits by every ship*, and yet are not able to effect it.—See Bengal Military Returns, seldom exceeding two thousand.

a hard-judging world for their conduct, not only as men but as statesmen, at a period, when at home they are not emancipated from the school-master's discipline?---Shall we also overlook their merit at such an age of childhood in braving the rude ocean, and resisting the impetuous force of corrupt example during a six month's voyage, where blasphemy unceasingly circulates in all it's most horrid colours?---Shall we likewise forget the fiery shocks which their yet tender and unformed constitutions experience in hostile climes to the influence of which the strongest frames must bend?---Shall we lose sight of the dangers to which their young minds become exposed on their arrival by a communication with the most vicious and luxurious sect of people inhabiting the world, who court them with every artful adulation, as so many rising suns through the influence of whose rays they hope hereafter to benefit, and who endeavour to become panders to their passions and their will, as a certain means of enslaving them to their future purposes?---

Can we, I say, forget that with all these disadvantages of youth, inexperience, and temptation,  
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they prove themselves honourable members of society, fulfilling every character thereof, both public and private, with virtue and integrity?

Can we avow ourselves so uninformed, as to deny to them these merits as a body, because a guilty few have, by their tyranny and oppression, excited our just indignation? Can we really force on ourselves a belief, that there were none to be found amongst them, whose hearts were sanctuaries too holy for guests so vile? Where is there an equal body of men, with equal trusts, and equal disadvantages, amongst whom so few exceptionable characters are discoverable?---Must we, because vice holds itself conspicuous in some daring characters, suffer it's dark rays to overshadow the brilliant virtues of the many; and thus allow integrity and abilities to be passively enveloped in the steam of unrighteousness?

No, surely: our resentments at an end, we shall sensibly feel the injustice of such general conclusions against our fellow-subjects in India; we shall draw the just line between merit and misconduct---between the innocent and the guilty; and while we denounce just punishment on conviction of the latter, we shall not fail to distri-



bute ample reward to the former. But these merits cannot so forcibly be exemplified, as by a short survey of the nature of their services : to effect which, I shall endeavour to paint their several and arduous avocations, in colours as just as the informations and documents I have so indefatigably aimed at collecting, will permit.

The British subjects, employed in India, are divisible into four descriptions ; but, I shall particularize Bengal, the seat of the Government General ; as it is from the valuable manuscripts of a gentleman from thence I have derived very much assistance.

The first of these descriptions consists of the Officers of the Civil Government, and Officers having commissions on the Military Establishment, all, or the majority of whom, are gentlemen, and the sons of gentlemen, holding equality amongst the first ranks of men, who will neither yield right of priority as subjects, or for a moment acknowledge inferiority in loyalty and fidelity to their King and country. Their friends made an interest for their election into the service of the Company, as a provision for life, in what they were taught to believe and consider a pursuit

fruit of honour and profit; and they have been regularly admitted and enrolled, under ample qualifications and credentials, and obtained fixed rank and acquired rights on the public establishments. The number of civil servants is about two hundred and fifty, and the number of military officers about fifteen hundred: the duties of the former, much the same as the duties of office in England, from the First Minister of State in the Cabinet, to the youngest clerk at his desk, in every department of the British Government, and by no means less important; with a variety of stations, offices, and services, foreign and domestic, of much labour, difficulty, and intricacy, unknown to the Civil List of England, all requiring study, judgment, management, indefatigable application, and, what is more than all, the difficult acquisition of Oriental languages, and full insight into the characters, religions, and prejudices of the natives. My readers have an ample mode of detecting me, if herein I err, by a reference to the annual Report of the East-India Company to the Honourable House of Commons, stating the different offices and employments of their servants. But they

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will readily admit, that the various duties of populous and extensive kingdoms like Bengal and Bahar, with all their branching foreign interests and connexions, which, involving all Hindoostan and its vicinities, nearly communicate with the Continent of Europe itself, are not to be conducted with the ease and inactivity of a spinning-wheel, nor to be kept in regular routine by the approving nod of a powerful Minister, or the loud thunder of an able Oppositionist. As to military duties, you can ask no explanation. Let readers, who can judge of the general hardships of this service of honour, reflect but a moment on the additional toils of a brother soldier, labouring under the severities of a climate, where the thermometer in the sun is seldom less than 100, and, in situations where their duty calls them, many degrees higher; where a familiar acquaintance with the languages, manners, and religions of the men composing our armies, and where a study to invite and conciliate the natives bigotted to their own rules and prepossessions, and, subsequently, to gain and preserve the attachment of armies so composed, become a necessary part of the science. And, with respect to the general conduct of the army of

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of Bengal, I am warranted to assert, that it has ever done them honour ; that they have exercised their profession with bravery, humanity, and moderation ; and the instance of the Rohilla conquest in 1774, exhibits the most noble instance which history affords us of resistance to the most alluring temptations in the hour of plunder, when they remained peaceable spectators of opposite conduct in the troops of our ally. The second description of British subjects comprizes the venerable Bench of Judicature, with all it's tribe of officers, dependents, and followers, to the number of about one hundred, consisting of Judges, Barristers, and a multitude of low, pettyfogging, ignorant Attornies, who having *exchanged* "*brewers aprons*" for "*Jacob's Law Dictionary*," and "*Druggists weights and scales*" for "*Every Man his own Lawyer*," have been admitted to practise, *secundum artem*, as quack doctors retail their nostrums, "no cure, no pay." This whole corps, with a few exceptions of amiable and good men, are virtually a flight of locusts, "seeking whom to devour," and will prove an everlasting stain on the wisdom of the Legislature, whose act is their licence, so long as one stone of this institution

stitution shall remain on another. And, what is their object?—Precisely, “ to sow dissention amongst their fellow-citizens, and to get money !” Lawyers are certainly the last class of professional beings who should be admitted into a country where the form of Government is yet immature. They profess mischief ;---they make mischief, and they unmake mischief ; they have mischief in their mouths, and they have mischief at their fingers ends !---And yet, they are called the “ Independent Corps !” Their late leader in Calcutta certainly placed little apparent value on his claim to that distinction, as he literally “ parted with his birth-right for a mess of pottage ;” but the Lawyers, not chusing to ape their bright luminary in this his new orb, still maintained their’s, and when, during the late war, the British subjects in Bengal were required to form themselves into a militia, the Lawyers pleaded their independence of the Company’s government, and the assistance of a search warrant must have been required to have found any one of them on the parade on field days. This certainly was one species of independence, and is a tolerable good specimen of the acuteness of their talents for perversion.---

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Their continuance abroad is not only very unnecessary, but very pernicious, as the execution of Nuncomar, on an *ex post facto* law, and the heavy losses the Company have sustained by their officious interference, have evinced. And, having thus described the second class of our countrymen in India, as I shall have no occasion to revert to them, or their pursuits, I shall dismiss them with a most serious recommendation to the nation at large, to insist on their evacuating Bengal without delay---in some such mode as Mr. Hastings recalled the representative of the British nation from the Court of Lucknow\*.

The third class consists of a few Clergymen, upwards of an hundred Surgeons and Apothecaries in the civil and military employ of the

“ Mr. Richard Johnson.

“ Sir,

“ You are hereby peremptorily ordered and commanded,  
 “ within forty-eight hours of the receipt of this letter, to  
 “ quit Lucknow, and repair without delay to the Presidency  
 “ of Fort William.-- We have further to acquaint you, that  
 “ the Commanding Officer at Cawnpore [a military station]  
 “ has been directed to enforce these orders, in case of dis-  
 “ obedience on your part.”—See India Papers, vol. ii,  
 p. 25.

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Company,

Company, the exercise of whose functions there are the same as in every other part of the world ; and about as many free merchants, a respectable body of gentlemen, who, although not covenanted servants of the Company, have their sanction to reside, and engage themselves in private commerce, and many of whom have rendered very essential services to the nation ; but particularly a gentleman, who lately gave evidence in an honourable Assembly on the subject of opium, and whose services are on their records. See India Papers, Vol. VI. p. 22.

The fourth and last class includes a most useful body of pilots, seamen, handicrafts, and mechanicks, whom service, necessity, or chance, have introduced, and who are there by sufferance, and, probably, without any express licence from the Company ; and a corps of well-disciplined troops, to the number of about two thousand, whose duty, as in other armies, simply consists in obedience.

Let us now proceed to examine, how the duties of the government are fulfilled.

The whole world bear testimony of the great and enviable advantages accruing from our possessions

sions in India,---advantages not derived from chance or magical influence, which must follow, if our brethren in India possess no merit, but entirely from the prudent management and able conduct of these our brethren, to which only we are beholden for every importation of wealth or property from thence.---In this kingdom we justly hold up as a prodigy a single instance of youth, because, with the advantages of a finished education, and the assistance of wise and experienced counsellors, deemed capable of guiding the helm of a state ; and great, it must be acknowledged, is his merit.---But, shall we at the same time deny what is due to our still younger brethren in the East, whose abilities in the same various branches are equally called into action, executed with equal judgment, integrity, and success, although removed from their studies at a period of life, when the most brilliant part of their education would only have commenced, and whose further improvement can alone be the effect of their own sole merit.---Let us not suppose the government of India to be a mere system of trade and plantation. The civil government is divided into three distinct branches,



comprising the political, the revenue, and the commercial departments ; into each of which the civil servants of the Company are stationed as their talents and capacities render eligible, and they gradually rise in their respective lines,---with few exceptions, circumstances sometimes occurring to occasion a removal from the one branch to the other : and this should account in England to such as appear surprized at finding gentlemen return from India not equally conversant in each of these distinct and extensive departments ; add to which the orders of the Company prohibiting\* their servants from a free access to the

\* *Extract of a General Letter from the Honourable the Court of Directors, to the Honourable the Governor General and Council, dated 21st Sept. 1785.*

*Paragraph 50.* We have long regretted an abuse which is now become so prevalent, and has gone to such an extent, that we must be peremptory in taking the most effectual measures to put an end to it. We allude to the practice of our servants having access to and transmitting home to their private correspondents, such part of our Records as they think proper. Our orders, therefore, are, that no person but the Members of the different Boards shall have access to their Records, except the Secretaries of such Boards, and those entrusted by them ; and that no private copies shall be given thereof, except to the President of each Board, if he shall

the records of any other department than that to which they immediately belong, although they

shall desire it. To these persons so entrusted we shall look for responsibility ; and if copies of any of our papers, correspondence, or Records, shall be discovered in the possession of any persons not warranted by the Government either at home or abroad, we shall certainly take the most effectual measures in our power to discover by whose means the communication has been made, and will dismiss from our service any person who shall be found guilty of disobeying these our orders,

51. Another practice of a similar nature likewise calls for our animadversion. Many of our servants possessing our most confidential situations are accustomed to indulge themselves, without reserve, in corresponding, by their private letters, upon the public affairs of the Company. This is attended with many inconveniencies, is directly contrary to our repeated orders, and we desire you will take the most effectual means to prevent it; and if any of our servants presume to continue in a practice so contrary to our wishes and orders, we shall certainly mark our disapprobation by the severest tokens of our displeasure.

52. It is incumbent upon us further to inform you, that a practice has sometimes prevailed of late, of our servants abroad sending home public letters to the care of persons resident in this country, to be delivered by them or not, as in their discretion they shall think proper : we prohibit any such practice in future ; and direct that all letters to us from our servants abroad, be addressed directly to the Court of Directors, and sent by the usual conveyance ; no other will be received by us.

professedly

professedly expect their servants to be qualified for all departments.---In the political line the number can be but few ; yet among these we find finished ambassadors, prudent negotiators, and able statesmen.---The revenue branch is more diffuse, and it's duties more complicated and arduous, yet executed with that superior degree of judgment, punctuality, and ability, which only requires to be known to excite both our admiration and astonishment.---The business of this department is intricate, laborious, and manifold, inasmuch as it comprizes all the various duties of a minister ;---of civil and criminal magistracy ;---of investigator of the resources of provinces ;---of assessor and receiver of revenue ;---of comptroller of taxes, duties, and customs ;---and of treasurer, &c. &c. with all the most difficult management of finance ; add to which a competent knowledge of the languages, manners, superstitions, customs, and corrupt practices of the various sects of people residing within their extensive jurisdictions, whose undermining intrigues, incessantly at work, require the most active and vigilant ability, and which it is not possible too warily to counteract.---Here we find

youths governing populous and extensive provinces, many of them nearly as large as Great Britain itself---youths presiding in crowded courts of justice, hearing causes and appeals from thousands in their respective languages, and deciding with justice, integrity, and universal satisfaction.--- How few of these provincial decisions have ever been arraigned of error or injury, and how still fewer it has ever been found proper to reverse, even Sir Elijah Impey, who presided over the Court of Appeals at the Presidency of Fort William, and whose bitter prejudices against the servants of the Company are on record, cannot scruple to bear testimony.

Nor is the commercial department, though standing in order the last, of the least importance to this country, as it is to the judgment and good conduct exercised in this line, that this kingdom, and, virtually, every part of the globe where the products of the East are in estimation, are indebted for the great improvement of their manufactures, and for those well-chosen investments sent home by the servants of the Company, which annually allure the whole European world to our ports and markets. The magnitude and importance of these

these advantages will not be disputed ; but, great as they are, I find by enquiry, that, had the recommendations of the servants abroad been duly attended to and supported by Directors and Ministers at home, those advantages would have been greatly multiplied.---For the want of a grateful communication of property between that country and this kingdom, individuals have been helplessly driven into the arms of other nations for the remittance of their fortunes, and thereby have enabled foreigners to carry on a trade, in a country, the commerce of which we profess to claim the exclusive\* privilege of, nearly co-extensive with our own, almost wholly on credit :---whereas, had the Company opened their treasury, as they *ought to have done*, for remittances at a liberal rate of exchange, even *decently* within the terms of foreign bills †, and *augmented their investments* accordingly,

\* This “ exclusive privilege”, *to our disgrace be it spoken*, affects only the subjects of Great Britain and Ireland, those of all other nations having a free intercourse with all the Eastern settlements, whether those of England, or otherwise.

† Foreign bonds on respondentia under a specific mortgage of the ship and cargo, at an exchange of 2s. 3d. the current rupce, and ten per cent. premium, while you may ensure for six, payable in London nine months after the arrival

ordingly, they would have *multiplied the national advantages* :---they would have *multiplied their own*. Such measures would *have encreased the customs* ;---would *have encreased the national strength* by *encreasing their shipping*, which, fitted out armé en flute, might have been converted into ships of war as occasion should require :---would have established a certain and infallible nursery for seamen, that most important object to England,

rival of the ship at her destined port.—For the terms offered by the English Company, read their own words,—when they last authorized bills to be drawn—viz. in Sept. 1785.—

“ All these bills, both for the bonded and the other debts, are to be drawn at an exchange of one shilling and eight pence the Bengal current rupee, and at a proportionable rate of exchange for the pagoda and Bombay rupee, to be settled by our Governor General and Council. They are to be made payable 548 days after date, with an option to the Company to postpone the full payment thereof, on paying interest upon them half yearly, at the rate of 5 per cent. per annum, from the date of their becoming due, and also on paying instalments of not less than 10 per cent. on the principal in every year, after the 1st March 1790, unless it shall suit our convenience to discharge them by earlier or larger payments ; and for the purpose of rendering those bills more convenient to the holders, they are to be issued to each creditor in bills of five hundred pounds each, and one bill for the fractional part, if any such shall be owing to him.”

now so much wanted :---would have given employment to large bodies of people; prevented competition with the foreign world, and, by reducing them to the necessity of importing bullion for the support of their remaining trade, as formerly, they would have aided our settlements by the introduction of specie, instead of the disadvantages of it's drain, from the effects of which they have for some time past been drooping.--- This is a subject of so much serious moment to this nation, that it is entitled to claim the particular attention of it's Ministers, and the whole shipping interests; nor can I omit this opportunity of *testifying to the People of England at large*, that if, from the assumption of the Bengal Government by Lord Clive in 1767 to the present time, 1787, there be any one point of duty in which their brethren serving abroad have been more uniform than another, it has been the recommendation of this subject to the consideration and adoption of their employers.

From the foregoing short premises, I trust, the generous reader will readily feel and acknowledge with me, that the services of these our absent brethren are highly meritorious and  
 “ useful

“ useful to the State ; that they are dutiful and  
 “ loyal, and *more* than share in common with us  
 “ the labours and toils of life, it's duties and  
 “ callings, in aid and maintenance of the Parent  
 “ State : ” ---and, from hence will also conclude,  
 in the terms of the third question of our investi-  
 gation, “ That they are justly entitled to our  
 “ most grateful commendation, and not our cen-  
 “ sure---to our warm protection, and the just and  
 “ liberal reward of their country, for their ser-  
 “ vices, and not to it's resentive condemnation  
 “ or punishment.”

It now only remains to consider the situation  
 and merits of those most eager to become the ge-  
 neral and illiberal censurers of so large and re-  
 spectable a part of ourselves, who, without being  
 at the trouble of reflection or enquiry, have, from  
 the alledged misconduct of a few, arrogated to  
 themselves the right of passing sentence on the  
 whole.

Among these I can only discover persons pos-  
 sessing the *negative merit* of inheriting rank or  
 independence from the virtue or toils of their  
 ancestors ; whose *most fatiguing expedition* has been  
 a “ summer trip to the Continent, in search of an



“ Opera dancer,” and whose *most glorious exploit* has consisted in a “ successful elopement, where “ no rescue was attempted ;” or others, moving in the more humble sphere of aping their betters in the repetition of common-place opinions, as the most promising mode of securing their future favour. Surely, these ought not to prove leaders of sufficient weight to bias the judgment of the people of England, whose justice, on reflection, will ever teach them to question their own right of passing sentence, as well as the grounds on which they proceed ; and until they forfeit the character of Britons, they will be as cautious in assuming a competency of judgment improperly, as tenacious in it’s maintenance when admitted. Yet, for want of such reflection, I am sorry to say, the jurisdiction has not only been assumed, but they have actually proceeded to judgment--- hastily, I will admit ; but nevertheless carrying with it all the poignancy of condemnation and consequent prejudice, with strong indications of which the press at present teems ; and the “ delinquency and peculations of our servants “ abroad,” come as pat from the mouths of every porter at the India House, as “ the last  
“ dying,

“ dying speech and confession of the malefactors  
 “ executed at Tyburn,” from that of the butcher’s parrot of St. Martin’s Court; and though with as little intellectual connexion, yet as eagerly listened to by the wondering and credulous multitude.

‘The terms “ delinquents” and “ peculators,” appear to be received as synonymous descriptions of gentlemen serving abroad; yet it is by no means free from apprehension, that too strict an enquiry would prove them infinitely more applicable to those of corresponding stations in England. But, with what eye would the injustice of the gentlemen from India be regarded, were they therefore to pronounce indiscriminate censure?--- However, admitting misconduct among our brethren of the East, (for what but imperfection is the lot of humanity!) it clearly can only be confined to a few. Misconduct necessarily implies a pre-existing power to incur it; common sense teaches, that few there are in any Government, who can possess that power; and that it can only be among those few that we can look for responsibility: therefore, the accuser, be he who he may, previous to condemnation, should dispassionately

sionately and deliberately question himself as to the power of the party arraigned, and regulate his opinions accordingly. The British inhabitants of the East are no more *all rulers individually*, than the whole people of England: it would be preposterous to suppose it; but it would not be more preposterous to condemn the whole people of England on that ground of constructive abuse and oppression, than it is to involve, under indiscriminate condemnation, the whole body of British subjects in Asia. Much pains have been taken to load with opprobrium a service, which, in itself, is indisputably honourable; but wherein can the difference of service between England and Asia consist, the pursuit being so much the same, as to entitle the former to imply purity, while the latter shall only infer contamination? The most rigid analysis will prove to an axiom, how ridiculous the doctrine;---it will evince, to mathematical demonstration, that the object of both services is alike a mixture of honour and profit; that wealth is not less our pursuit at home than abroad. But here, I apprehend, the comparison between our brethren of India and ourselves, will not prove favourable to us, if we re-  
vert

vert to the difficult, dear bought, and far fought rewards of the one, and to the satisfactory ease of the obtaining it at home in the bosom of their native country, amidst their families and friends, and without the sacrifice of health, or any one enjoyment that can attend life, by the other :--- these last, moreover, possess not the plea of having a competency to seek, which, as I have before said, they already have the negative merit of deriving from their ancestors, but are actuated by the inordinate thirst of accumulation ; whereas, the former go professedly in search of a well-earned competency, which, when acquired, they return to share hospitably amongst their countrymen. And shall we, my friends, think even the meanest of our fellow-subjects in this kingdom entitled to enjoy unmolested the fruits of his industry, and deny the same privilege to those who have paid so dearly for the acquisition of independence, in the accomplishment of our aggrandizement abroad ? Or, can we suppose, that the official advantages in that country, any more than in this, are confined to nominal, inadequate salaries ! We need only have recourse to the Kalendar to satisfy ourselves on what an unreasonable ground

ground such an expectation would here be formed ; and wherefore affect surprize at the existence of emolument in India, beyond the salaries annexed, which, in that country, are not even equal to the most rigid frugality ;---but, were they even a *decent* maintenance, could we reasonably expect gentlemen to quit their native country, their families, and friends, in pursuit of a mere temporary subsistence, and thereby subscribe to banishment, like felons transported for life, without hope of return ! If the service of the East be a service of emolument, as it undoubtedly is, and certainly ought to be, the service of England is not less so ; and I venture to pronounce, without the fear of contradiction, that they are alike avowed, and so equally well understood, as alike to have obtained sanction from the necessity of toleration. But, we need not instance either England or India ; all services whatever have their foundation in emolument, which forms the cement of association, and creates the only title we can make to the assistance of our fellow-creatures.

It may here be alledged, that India Delinquency stands actually before the nation in most glaring

ing

ing colours. But, let us for a moment examine the situation of parties so arraigned, and we shall find, that they are wholly confined to such individuals, as in a former part of their lives, having returned with moderate fortunes and reasonable views, were corrupted by the intrigues and evil example of those at home, to answer different views, and taught so well to feel the necessity of abundant riches in this extortionate country, as to make them desperate in their resolves on future acquisitions at any price. I am perfectly warranted to use this last, though harsh expression; for, who can deny, that the gentlemen from India, immediately on their landing in England, become objects of general prey to plunderers of all denominations? This, without the sting of the present fashionable vices, so well understood within the precincts of St. James', has not a little contributed to drive many of them back again, while others, failing in this expedient, have actually sunk under the weight of it's oppression.

But, it may be said, the general condemnation before alluded to has even originated from the authority of the head of their own community.

(See Mr. Haſting's Letters from Bengal, 5th May 1781, and from Lucknow, 30th April 1784, &c.)

How far the ſentiments contained in thoſe letters were dictated by truth, or what oppoſite impreſſions they were calculated to effect, the People of England can by this time form a competent judgment. I am happy to ſee that my countrymen, thus injured, have found proteſtion in the lights thrown thereon by Mr. Burke's bright and able exertions; for, in a Government conſtituted like that of Bengal, where our ſuperiority is more ideal than real, the *governing* being ſo out of all proportion to the *governed*, the degradation or depreciation of the Engliſh name and character is by no means the leaſt exceptionable part of a Governor's conduct. The before-mentioned Letters would lead us to believe, that *all* in India were corrupt, *except the author*; but, unleſs the ſyſtem of ethics be reverſed, it is morally *impoſſible* for the *body* to be ſo *univerſally diſeaſed*, and the *head* remain *unpolluted*. Whoever ſhall be at the pains of peruſing the Letters in queſtion, will readily admit the juſt ſentiments contained in the late celebrated oration of an  
honorable

honorable Member of the House of Commons, that “ such imputations on the English name  
 “ were most readily and joyfully countenanced  
 “ as a screen and shelter for his own (the au-  
 “ thor’s) abandoned profligacy.”---For my own  
 part, I shall only further observe, that *these*  
*productions are the Author’s own libels on his*  
*own administration.*

It may be observed, that the object of this  
 condemnation is not the acquisition of wealth,  
 but the practices of cruelty whereby it is obtain-  
 ed. This is a worn-out charge, which never  
 could be verified. The British inhabitants of  
 India have on more occasions than one loudly  
 applied to their country, (see Comments on their  
 Petition to Parliament, in the year 1779,) “ to  
 “ call forth from amongst them any individuals  
 “ whose conduct was exceptionable, to conviction  
 “ and punishment,” and even offered their ser-  
 vices “ to assist in the prosecution ;”---but, from  
 that hour to this, no case of guilt has ever been  
 presumed, except in the instances of a certain  
 Baronet, and a late Governor General: the first  
 is recent within the mind of every man, as it re-  
 gularly underwent a Parliamentary enquiry: the



second is now before them; and, if he be that honest man he announces himself, like an honest man he will desire to go to his trial, and, like an honest man, be acquitted.

But, my good friends, admitting for a moment what is *most diametrically opposite to the truth*, that cruelties have been practised. If a zealous abhorrence of such acts be your motives, you have a very extensive field before you, for the exercise of your clemency, in the long sanctioned practices of the West Indies, where slavery and cruelty are reduced to a system, and human nature is your traffic\*. While you publicly countenance such practices as these, to what short of envy can be attributed your strictures on your brethren in the East? It will be difficult to persuade future ages, that your condemnation of *alleged conduct* in one part of the world is the

\* I have been well assured, that, in the West Indies, slavery is reduced to so complete a system, that planters there make regular calculations by which they are governed in the treatment of their slaves, and from which they find it more beneficial to work their slaves to death in the short space of three years, than to allow them the course of nature's span in the performance of ordinary duty.

effect

effect of humanity, while you *publicly* enjoy the benefits arising from the *open sale* of your fellow-creatures in another !!

Having thus offered a vindication of the conduct of my countrymen against private prejudice and public representation, let us advert a little to some public acts of this nation, whereby they have just reason to consider themselves injured.

In 1773, we passed an act under the plea of correcting prevalent abuses in the administration of the Company's affairs both at home and abroad, which, by depriving them of their natural right of trial by jury, the great palladium of the freedom of England, became an arbitrary and unjust oppression ; and this was farther aggravated by the institution of a Court of Judicature, vesting in the Judges, or at least leaving them the power to assume an undefined jurisdiction, accompanied by a species of discretion in the dispensation of justice, unknown to the system of jurisprudence and the practice of the Courts in Great Britain, by which these Judges virtually became Legislators also. Measures of such tendency require no comment to an English reader. But, injurious as they were to the birth-  
rights

rights of Englishmen, let us examine with what temper they were received in India. The operation of this institution commenced in Bengal in the year 1774. It is not to be supposed our brethren there could be insensible to so gross a grievance, or that their minds could be otherwise than filled with alarm, at thus becoming the objects of measures so unconstitutional, and far more calculated to multiply than to remedy the evils which they were professedly to remove.--- They nevertheless received the act with the deference due to the authority from whence it issued, and un murmuringly submitted to it's practice and effects, for a period of near five years, in order to give it a full and uninterrupted trial; and, then only, on bitter experience of it's baneful consequences, came forward in a modest and respectful appeal to their country, signed by six hundred and forty-eight as good and loyal subjects as any in his Majesty's dominions, for that redress to which' they were so well entitled.--- But, I am sorry to cast so great a slur on the honor and justice of my country, as to observe these grievances, crying as they are, still undressed: nay, we have, on the contrary, even added.

added insult to injury, by the subsequent act of 1784, not only by divesting them of other rights and privileges derived from their situation and length of services, but, to the disgraceful encouragement of base informers, who, in that country in particular, are ever ready to sacrifice their masters, or protectors, to sordid purposes. I shall not enlarge on that clause of the act which was a monument of so much glaring disgrace to our nation, that it's framers found it wise to repeal it. I must, however, observe, that the insult it offered was complete in the enacting it, as it fully and strongly expressed the ill-founded angry bias which raged in the minds of their countrymen against them. The clause in allusion cannot fail to be in the recollection of my reader; but, to bring to his mind the full influence of it's injurious tendency, let him reflect with what temper such a clause would be received among the people of England, and more particularly among the Members of that very House, who framed and passed the act for others.

Still unredressed, the grievances of our fellow-subjects in India now form the substance of a second petition to their country, which has, at length,

length, found its way to the table of the House of Commons ; but, under so many difficulties and discouragements, as to damp the prospect of the redress reasonably looked for ; at least, should any weight be given to the extraordinary opinion of an honorable ministerial Member on the motion for its introduction, who, if he did not consider the petitioners as the *inanimate property* of the East-India Company, clearly reduced them to the state of live stock ; for, “ how,” says he, “ can we receive a petition from those “ who are only the servants of the Company, “ when the Company themselves [or, in other “ words, *these gentlemen’s owners*] have not petitioned !” As the discussion of India business, from the conspicuous and exalted station which this honorable Member fills, must completely absorb his thoughts at present ; and as it is by no means unusual with him to trample on all *distinctions of locality*, so, on this occasion, he must certainly have transported his mind’s eye from Calcutta, the residence of *gentlemen not in any respect his inferiors*, to the wretched scene of English avarice and despotism in Rohilcund, where *our humane ally* the tyrant Sujah Dowlah, “ having [it is

“ said ]

“ said ] converted the Rohillahs into subjects, the  
 “ next thing he does is to deny them the rights  
 “ of human creatures, and palpably consider them  
 “ as inanimate property, which the owner may  
 “ dispose of as he thinks fit.”---Good Heavens!  
 what a doctrine! I congratulate my country,  
 however, that it did not proceed from the *mouth*  
*of an Englishman*; and that the rectitude of a  
 British House of Commons scouted such senti-  
 ments with the scorn they deserve. We ought  
 not, however, to be affected with surprize at the  
 speech in question, when we reflect, that the pe-  
 tition against which it argued, was produced by  
 the oppressive act which this very Member is sup-  
 posed to have had so ample a share in framing,  
 and of which the most offensive clause (said to  
 have been his favourite bantling) but too plainly  
 characterizes it's author, and his talents for des-  
 potism.

We shall not relinquish the hope of seeing the  
 natural justice of Parliament exerted in a due  
 attention to the reasonable prayer of the petition  
 of these our fellow-subjects. An English House  
 of Commons has ever hitherto gloried in opposing  
 unconstitutional measures---and they would de-

fert their duty if they did not : such instances, therefore, of encroachment, as now aggrieve our fellow-subjects in India, can only be attributed to ministerial faction ; and, consequently, it is to be presumed, cannot be of much longer duration. Justice will ever prove a sufficient spur to Englishmen, without having recourse to the additional motive of caution against driving the oppressed to such desperate acts as the strength of a powerful army, consisting of fifteen hundred experienced officers, and sixty thousand brave and well-disciplined troops, attached to them from affection and service, in possession of a rich and extensive country, yielding a most princely revenue, and fraught with every valuable resource, might enable them to effect. But, should Ministers persist in turning a deaf ear to the just claims of the petitioners, because they possess the power so to do, and determine to withhold rights, to the possession and free exercise of which, the loyalty, fidelity, and great achievements of our brethren in India, in their country's cause, would of themselves be deemed an ample title under more reasonable men, I shall most earnestly recommend it to such rulers,

to turn their reflections to the fatal and yet bleeding effects experienced from such unfeeling and injudicious conduct towards our late brethren in America; whose persecution, as I before said, "originated in prejudice, was conducted in ignorance, and has concluded in compulsive servance." Our fellow-subjects in the East have shewn, that they can bear distress like men, and feel like men; and while we shall continue to possess our valuable acquisitions in that country, which we at present hold on a tenure of perpetuity as the tribute of their eminent services, and which nothing can shake, while we continue to possess their affections and attachment unshaken, we certainly cannot require to be reminded, that they can also *act like men*. Let us, then, beware how we drive them to extremities; nor, when they apply to us for bread, present them a stone. Our errors towards them are hitherto retrievable with honor;---but, leaving the protection of their petition to the more able and interested advocates acting under their immediate delegation, I shall not further trespass on the patience of my readers. The object of this Appeal is of a different nature; and I dare trust, the candid



and generous minds of my countrymen, ever open to conviction, particularly in the cause of TRUTH, will have suffered my just, though unadorned arguments, to remove the veil of prejudice from their understandings, nor longer allow “ the dark rays of vice, conspicuous in a  
 “ few daring characters, to overshadow the brilliant virtues of the Many, and thus suffer integrity and abilities to be passively enveloped  
 “ in the steam of unrighteousness :”---that they will not confound particular error with general merit and loyal service ; nor forget, that their *fellow-subjects in India are a part of themselves, and have never yet been deficient in their country's cause.*

An apology to the Public for an intrusion on their time, generally precedes the subject ; and, although I feel the necessity of it greater in my instance than in any other, I still flatter myself it will not be less favorably received, as a conclusion, than if I had, in the usual way, made it in a formal exordium. I may safely place great reliance on the disinterestedness of my motive ; but more powerfully rest on the necessity which humanity laid me under, of taking up a cause, which,

which,

which, in the opinion of unprejudiced people, has been *most shamefully abandoned by gentlemen, whose former stations in India, and present situations in an Honorable Assembly, render it their more immediate province, if not their duty*, which can no otherwise be accounted for, than as the effect of the mistaken principle, of supposing it necessary to sacrifice the whole community of their India brethren to the desperate cause of an individual.---And this abandonment is the more shameful, as the expectation of the nation is naturally directed to them in particular, for a justification of their former society; and that their silence, however indefensible, may be construed into condemnation: they should, however, reflect, that this condemnation must in a more material degree affect themselves, not only from their affinity of power and consequent responsibility, with the individual in question, but from the dread of investigation, which this their silence might imply.---Should this hint tend to awaken them from their unpardonable lethargy, it will prove a great additional reward for any pains I may have been at in collecting materials for the justification of my fellow-countrymen abroad, which, in my opinion,

opinion, requires nothing more than a simple state of facts amply and firmly to establish.--- I have done my duty, as a good citizen, in contributing my mite towards it ; and thereon found a claim to call on these gentlemen, either to follow my example, or to avow the motives of their desertion of what must be no less their own, than the cause of our absent countrymen.

F I N I S.









C O P Y

OF A

L E T T E R

FROM

WARREN HASTINGS, Esq.

TO THE

COURT OF DIRECTORS,

RELATIVE TO THEIR CENSURE ON HIS CONDUCT AT BENARES;

AND ALSO THE

ANSWER OF THE COURT OF DIRECTORS THERETO;

PRESENTED TO THE HOUSE OF COMMONS UPON THE  
SECOND DAY OF MARCH, 1786.

TO WHICH IS ADDED A

L E T T E R

FROM

Mr. HASTINGS to WILLIAM DEVAYNES, Esq.

CHAIRMAN OF THE INDIA COMPANY,

*From Cheltenham, July 11, 1785,*

ON THE SUBJECT OF

MONEY PRIVATELY RECEIVED.

---

L O N D O N :

Printed for J. DEBRETT, opposite Burlington House, Piccadilly.

M,DCC,LXXXVI.





## A D V E R T I S E M E N T.

**T**HE following papers have been lately printed by order of the House of Commons ; but the number of those copies being limited, they are now reprinted, to meet the convenience of the Public at large.

We have studiously avoided assisting any controversy on this important subject, at a crisis when the whole case being submitted to parliamentary inquiry, it has appeared more candid to withhold any intermediate discussion : a motive of justice and fairness which, we trust, will, for the present, excuse us to many of the ablest writers, who have favoured us with observations on the past and present circumstances of India.



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## COPY OF A LETTER, &c.

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*To the Honourable Court of Directors of the Honourable  
United East India Company.*

Fort William, 20th March, 1783.

HONOURABLE SIRS,

**I**N your letter to the Governor General and Council, dated the 28th of August, 1782, you have been pleased to enter into a large discussion of my proceedings at Benares, and to apprise the Board of certain resolutions comprehending your judgment upon them. These resolutions; as the immediate cause and subject of my present address, I shall, to avoid the perplexity of frequent and remote reference, hereto subjoin :

“ That it appears to this Court, that on the death  
“ of Sujah Dowlah, 1775; a treaty was made with  
“ his successor, by which the zemindary of Benares,  
“ with its dependencies, was ceded in perpetuity to the  
“ East-India Company :

“ That it appears to this Court, that Rajah Cheyt  
“ Sing was confirmed by the Governor General and  
“ Council of Bengal in the management of the said  
“ zemindary, (subject to the sovereignty of the Com-  
“ pany) on his paying a certain tribute; which was  
“ settled at Sicca rupees 2,266,180; and that the Ben-  
“ gal Government pledged itself that the free and un-  
“ controlled possession of the zemindary of Benares,

“ and its dependencies, should be confirmed and guaranteed to the Rajah and his heirs for ever, subject to such tribute, and that no other demand should be made upon him, nor any kind of authority or jurisdiction exercised within the dominions assigned him, so long as he adhered to the terms of his engagements :

“ That it appears to this Court, that the Governor General and Council did, on the 5th of July, 1775, recommend to Rajah Cheyt Sing to keep up a body of 2000 horse ; but at the same time declared, there should be no obligations upon him to do it :

“ That it appears to this Court, that Rajah Cheyt Sing performed his engagements with the Company in the regular payment of his tribute of Sicca rupees 2,266,180.

“ That it appears to this Court, that the conduct of the Governor General towards the Rajah, whilst he was at Benares, was improper ; and that the imprisonment of his person, thereby disgracing him in the eyes of his subjects and others, was unwarrantable and highly impolitic, and may tend to weaken the confidence which the native princes of India ought to have in the justice and moderation of the Company’s Government.”

I understand that these resolutions were either published, or intended for publication. As they have proceeded from an authority so respectable, every reader of them will naturally, and without hesitation, believe that the facts on which they necessarily and indispensably depend have been fully established ; and who are the readers ? Not the Proprietors alone, whose interest is immediately concerned in them, and whose approbation I am impelled, by every motive of pride and gratitude, to solicit, but the whole body of the People

ple of England, whose passions have been excited on the general subject of the conduct of their servants in India; and before them I am arraigned, and pre-judged of a violation of the national faith in acts of such complicated aggravation, that, if they were true, no punishment short of death could atone for the injury which the interest and credit of the Public had sustained in them.

I hope, therefore, I shall not be thought to give unnecessary trouble in calling your attention to a subject not wholly personal, nor to fail in the respect in which I have never yet failed, to your honourable Court, in the mode of my vindication, which will not admit of the common delicacies of expression; for I cannot admit facts, however affirmed, which I know to have no existence, and by which my character has been blasted, nor will a simple denial or refutation of them be sufficient against such a charge, if I can at the same time appeal to your own knowledge, proved by the evidence of your own arguments, and to what your honourable Court possesses of candour for my first justification and acquittal.

The facts affirmed, or expressed in terms equal to affirmation, in your resolutions, are as follow :

1st. That the Bengal Government pledged itself that the free and uncontrolled possession of the zemindary of Benares, and its dependencies, should be confirmed and guaranteed to the Rajah and his heirs for ever.

2d. That it pledged itself that no other demand should be made upon him, nor any kind of authority or jurisdiction exercised within the dominions assigned him, so long as he adhered to the terms of his engagements.

3. That the Governor General required him to keep up a body of 2000 horse, contrary to the declaration  
made

made to him by the Governor General and Council, on the 5th of July, 1775, that there should be no obligation on him to do it.

4th. That Rajah Cheyt Sing was bound by no other engagements to the Company than for the payment of his tribute of Sicca rupees 2,266,180.

5th. That Rajah Cheyt Sing was a native prince of India.

6th. The judgement passed on my conduct as deducible from these facts is, that it was “improper, “unwarrantable, and highly impolitic, and may tend “to weaken the confidence which the native princes “of India ought to have in the justice and moderation “of the Company’s government.” Here I must crave leave to say, that the terms “improper, unwarrantable, and highly impolitic,” are much too gentle, as deductions from such premises; and as every reader of the latter will obviously feel, as he reads, the deductions which inevitably belong to them, I will add, that the strict performance of solemn engagements on one part, followed by acts directly subversive of them, and by total dispossession, on the other, stamps on the perpetrators of the latter the guilt of the greatest possible violation of faith and justice.

But this, and every other conclusion from the facts adduced in proof of them, will fall, if the facts themselves have no existence. I do therefore most positively and solemnly deny their existence.

I deny that the Bengal Government pledged itself, that the free and uncontrolled possession of the zemindary of Benares, and its dependencies, should be confirmed and guaranteed to the Rajah and his heirs for ever.

I deny that the Bengal Government pledged itself that no other demand should be made upon him, nor  
any

any kind of authority or jurisdiction exercised within the dominions assigned him, so long as he adhered to the terms of his engagements.

I deny that I ever required him to keep up a body of 2000 horse, contrary to the declaration made to him by the Governor General and Council, on the 5th of July, 1775, that there should be no obligation on him to do it.

My demand (that is, the demand of the Board) was not that he should maintain any specific number of horse, but that the number which he did maintain should be employed for the defence of the general state.

I deny that Rajah Cheyt Sing was bound by no other engagements to the Company than for the payment of his tribute of Sicca rupees 2,266,180.

He was bound by the engagements of Fealty, and absolute obedience to every order of the Government which he served. The various and repeated professions of his letters are proofs and acknowledgements of this construction of his vassalage; and his own cabuleeat, or the instrument by which he engaged to perform the duties of his zemindary, expresses it in the acknowledgement of the Company's sovereignty.

I deny that Rajah Cheyt Sing was a native prince of India.

Cheynt Sing is the son of a collector of the revenue of that province, which his arts, and the misfortunes of his master, enabled him to convert to a permanent and hereditary possession. This man, whom you have thus ranked amongst the princes of India, will be astonished, when he hears it, at an elevation so unlooked for, nor less at the independent rights which your commands have assigned him — rights which are so foreign to his conceptions, that I doubt whether he will know

in



in what language to assert them, unless the example which you have thought it consistent with justice, however opposite to policy, to shew, of becoming his advocates against your own interests, should inspire any of your own servants to be his advisers and instructors.

I forbear to detail the proofs of these denials : in legal propriety I might perhaps claim a dispensation from it, and require the charges to be proved, not myself disprove them ; but I have already disproved them in my narrative of my proceedings at Benares, which has been long since in your hands, and is, I hope, in the hands of the Public. — To that I think it sufficient to refer, and to point out the ninth and following pages of the copy which was printed in Calcutta, for a complete explanation, and I presume as complete a demonstration of the mutual relation of Rajah Cheyt Sing, the vassal and subject of the Company, and of the Company his sovereign.

The subject to which I now proceed, and on which I rest my fullest acquittal, is too delicate to admit of my entering upon it without requesting your indulgence and pardon for whatever may appear offensive in it, and declaring that I should have submitted in silence to the severest expressions of censure which you could pass upon me, had they been no more than expressions, and applied to real facts ; but where the censures are not applied to real facts, and are such as substantially affect my moral character, I should be myself an accomplice in the injury, if I suffered the slightest imputation to remain, which it was in my power wholly to efface.

A breach of faith necessarily implies antecedent and existing engagements, and can only be construed such by the express terms of those engagements. I have been guilty of this crime in my treatment of Rajah Cheyt

Cheynt Sing, or of none ; and I may be allowed to regret, that while you stated such facts as implied it, you did not in terms declare it. There is an appearance of tenderness in this deviation from plain construction, of which, however meant, I have a right to complain ; because it imposes on me the necessity of framing the terms of the accusation against myself, which you have not only made, but have stated the leading arguments to it so strongly, that no one who reads these can avoid making it, or not know to have been intended.

But permit me to ask — May I not presume, that this deviation arose from something more than a tenderness for my character or feelings ? That it was dictated by a consciousness that no such engagements existed ; for if any such did exist, why were they not produced in support of the charges ?

Even the facts which are affirmed in the resolutions are such as must depend on some evidence ; for they cannot exist independently. If the Bengal Government “ pledged itself,” its pledge must be contained in the written instruments, which were expressly formed and declared to define the reciprocal relation and obligation of the Rajah and the Company.

The resolutions of your honourable Court, as they stand unconnected in their original state, must be accepted as the conclusions from certain and established evidence ; and this evidence, I must presume, you meant to produce in the long process of detailed argument which precedes them in your general letter. This consists of pieced extracts from opinions delivered by me in the debates in Council, which not only preceded the settlement made with the Rajah Cheynt Sing, when his zemindary became the property of the Company ; but, strange as it will appear, which passed on an occasion wholly foreign to it, and at a time when the Com-

pany had not obtained the cession of the zemindary. At the point of the settlement your detail stops ; had it proceeded, it must have exhibited the conditions of the settlement, which would have contradicted every fact which you have asserted, and every man of candour will believe, that this was the only reason why it did not proceed ; for why are my speculative opinions on the claim made upon the Nabob Affof ul Dowlah to the cession of the zemindary of Benares, which I thought an infringement of a treaty already subsisting with him, and upon the mode by which we should allow Rajah Cheyt Sing to exercise the management of his zemindary, when it had become the property of the Company, quoted in evidence against me, when the actual deeds which conveyed to Cheyt Sing his possession of the zemindary, and all the conditions on which he held it, were the only criteria by which my conduct towards him could be tried ? The debates from which my opinions are extracted, are so voluminous, and my share in them bears so large a proportion, that it would take up much time and argument to prove what I could prove, that in their collective and relative sense they are perfectly consistent, so far as they can apply at all to my subsequent conduct ; but were it otherwise, they were not to be made the rules of my conduct ; and God forbid that every expression, dictated by the impulse of present emergency, and unpremeditatedly uttered in the heat of party contention, should impose upon me the obligation of a fixed principle, and be applied to every variable occasion.

The wisdom of the Legislature has declared, that the whole collective body of the Governor General and Council shall be bound by the opinions of the majority ; but the doctrine implied in your quotation of my opinion is the reverse of that obligation, if my opinions  
were

were not conformable to those of a majority of the Board ; and if they were, the acts of the Board, formed on such concurrent opinions, ought to be quoted as the rules of my conduct, not the opinions which only led to them.

Having solemnly pronounced that Rajah Cheyt Sing had performed his engagements with the Company, and that my conduct toward him was “ improper and “ unwarrantable,” you proceed to say, that “ such farther resolutions as you may think proper to come to “ on this important subject will be communicated to “ us by a future conveyance.” This I cannot otherwise understand than as an indication of your intention to order the restoration of Rajah Cheyt Sing to the zemindary of Benares: it will be expected, after the judgement which you have passed, as an act of indispensable justice ; and whenever this promissory declaration is made public, as it must be, if not already known, what may have been expected will be regarded as a certainty. If any thing were wanting but the express notification of your intention to confirm it, the recall of Mr. Markham, who was known to be the public agent of my own nomination at Benares, and the re-appointment of Mr. Francis Fowke, by your order, contained in the same letter, would place it beyond doubt. This order has been obeyed ; and whenever you shall be pleased to order the restoration of Cheyt Sing, I will venture to promise the same ready and exact submission in the other members of your Council.

Of the consequences of such a policy I forbear to speak. Most happily, the wretch whose hopes may be excited by the appearances in his favour, is ill qualified to avail himself of them, and the force which is stationed in the province of Benares is sufficient to suppress any symptoms of internal sedition ; but it cannot fail to create distrust and suspense in the minds both of the

rulers and of the people, and such a state is always productive of disorder.

But it is not in this partial consideration that I dread the effects of your commands ; it is in your proclaimed indisposition against the first executive member of your first government in India ; it is as well known to the Indian world as to the Court of English Proprietors, that the first declaratory instruments of the dissolution of my influence, in the year 1774, were Mr. John Bristow and Mr. Francis Fowke. By your ancient and known constitution, the Governor has been ever held forth and understood to possess the ostensible powers of Government ; all the correspondence with foreign Princes is conducted in his name ; and every person resident with them for the management of your political concerns is understood to be more especially his representative, and of his choice : and such ought to be the rule ; for how otherwise can they trust an agent nominated against the will of his principal ? or how, knowing him to act under the variable instructions of a temporary influence, or the casual dictates of a majority, can they rely on the measures which he may propose, and which a sudden change of influence, always expected in a deviation from constitutional forms, may undo, and subject them, in every instance of their connection, to a continual fluctuation of affairs ?

When the state of this Administration was such as seemed to admit of the appointment of Mr. Bristow to the residency of Lucknow, without much diminution of my own influence, I gladly seized the occasion to shew my readiness to submit to your commands : I proposed his nomination ; he was nominated, and declared to be the agent of my own choice. Even this effect of my caution is defeated by your absolute command for his re-appointment, independent of me, and with the  
supposition

supposition that I should be adverse to it. I am now wholly deprived of my official powers, both in the province of Oude and in the zemindary of Benares.

Nor will the evil stop at these lines. My general influence, the effects of which have been happily manifested for the support of your interests, is now wholly lost, or what may remain of it sustained only by the prescription of long possession, and something, perhaps, of personal attachment, impressed by the habits of frequent intercourse.

I almost shudder at the reflection on what might have happened, had these denunciations against your own Minister, in favour of a man universally considered in this part of the world, as justly attainted for his crimes, the murderer of your servants and soldiers, and the rebel to your authority, arrived two months earlier. You will learn by your common dispatches what difficulties Mahdajee Scindia has had to surmount in reconciling the different members of the Mahratta State to the ratification, and even when ratified, to the interchange of the treaty concluded by him in May last with this government. I dare to appeal even to your judgement for the reply ; and to ask, whether the Ministers of the Peshwa, possessing the knowledge of such a circumstance, would not have availed themselves of it to withhold their consent to the treaty, either claiming to include Cheyt Sing as a party in it, or either overtly or secretly supporting his pretensions, with the view of multiplying our difficulties ; or, which is most probable, waiting for the event of that change in the superior government of Bengal, which such symptoms portended, before they precipitated their interests in a connection with a declining influence, which they might obviously conclude would render this, with all its other acts, obnoxious to that which succeeded it ?

Their

.. Their counterpart of the treaty is ratified, and in our actual possession ; and such is the character of the man whom we have made our principal and guarantee of it, that it will insure us against any change of sentiment which might arise, from any cause, in the breasts of his countrymen. I am happy in having been the sole instrument of the accomplishment of so great an event. It originated in a scene of universal revolt, encompassing my own person ; it began with the immediate separation of the first power of the Mahratta state from the general war, and was followed by the instant and general cessation of hostilities, in effect by a permanent peace ; for I have a right now to affirm this, having positively assured you that it would prove such, while the formal confirmation of it remained so long in a state of suspense. In every progressive state of it, it has met with obstructions which might have discouraged even the most determined perseverance ; in the known indisposition of the Presidency of Bombay ; in the calamities of the Carnatic ; in the alarming interference of the President and Select Committee of Fort St. George, by the exaggerated portrait of their affairs in a letter addressed to our Minister, and sent in circulation through the midst of Decan and Indostan, entreating him at all events, and with whatever sacrifices, to precipitate the conclusion of the treaty, and save them from destruction ; but above all, in the vehement exclamations for peace from men of every description in Great Britain. To all these counteractions I have opposed the principle of firmness and defiance ; and, aided by the peculiar talents and wariness, and incomparable perseverance, of Mr. David Anderson, I have at length brought my wishes and yours to their destined point. Perhaps, with a less able Minister, I might yet have failed ; but even the merits of his services I claim as my own ; for it was my choice

choice which called his mind into action, and my confidence that gave it its best exertion. Pardon, honorable Sirs, this digressive exultation ; I cannot suppress the pride which I feel in this successful achievement of a measure so fortunate for your interests and the national honour ; for that pride is the source of my zeal so frequently exerted in your support, and never more happily than in those instances in which I have departed from the prescribed and beaten path of action, and assumed a responsibility which has too frequently drawn on me the most pointed effects of your displeasure. But however I may yield to my private feelings in thus enlarging on the subject, my motive in introducing it was immediately connected with its context, and was to contrast the actual state of your political affairs, derived from a happier influence, with that which might have attended an earlier dissolution of it.

It is now a complete period of eleven years since I first received the first nominal charge of your affairs ; in the course of it I have invariably had to contend, not with ordinary difficulties, but such as most unnaturally arose from the opposition of those very powers from which I primarily derived my authority, and which were required for the support of it. My exertions, though applied to an unvaried and consistent line of action, have been occasional and desultory ; yet I please myself with the hope, that in the annals of your dominion, which shall be written after the extinction of recent prejudices, this term of its administration will appear not the least conducive to the interests of the Company, nor the least reflective of the honour of the British name ; and allow me to suggest the instructive reflection of what good might have been done, and what evil prevented, had due support been given  
to



to that administration which has performed such eminent and substantial services without it.

You, honourable Sirs, can attest the patience and temper with which I have submitted to all the indignities which have been heaped upon me in this long service. It was the duty of fidelity, which I essentially owed to it: it was the return of gratitude, which I owed, even with the sacrifice of life, had that been exacted, to the Company, my original masters, and most indulgent patrons. To these principles have I devoted every private feeling, and persevered in the violent maintenance of my office, because I was conscious that I possessed, in my integrity, and in the advantages of local knowledge, those means of discharging the functions of it with credit to myself, and with advantage to my employers, which might be wanting in more splendid talents; and because I had always a ground of hope that my long sufferance would disarm the prejudices of my adversaries, or the rotation of time produce that concurrence in the crisis of your fortune with my own, which might place me in the situation to which I aspired. In the mean time, there was nothing in any actual state of your affairs which could discourage me from the prosecution of this plan. There was indeed an interval, and that of some duration, in which my authority was wholly destroyed; but another was substituted in its place, and that, though irregular, was armed with the public belief of an influence invisibly upholding it, which gave it a vigour scarce less effectual than that of a constitutional power. Besides, your Government had no external dangers to agitate and discover the looseness of its composition.

The case is now most widely different.—While your existence was threatened by wars with the most formidable

midable powers of Europe, added to your Indian enemies, and while you confessedly owed its preservation to the seasonable and vigorous exertions of this government, you chose that season to annihilate its constitutional powers. You annihilated the influence of its executive member; you proclaimed its annihilation; you virtually called on his associates to withdraw their support from him, and they have withdrawn it; but you have substituted no other instrument of rule in his stead, unless you suppose that it may exist, and can be effectually exercised, in the body of your Council at large, possessing no power of motion, but an inert submission to the letter of your commands; which, however necessary in the wise intention of the Legislature, have never yet been applied to the establishment of any original plan or system of measures; and seldom felt, but in instances of personal favour, or personal displeasure.

Under such a situation, I feel myself impelled, by the same spirit which has hitherto animated me, to retain my post against all the attempts made to extrude me from it, to adopt the contrary line. The season for contention is past. The present state of affairs is not able to bear it. I am morally certain that my successor in this government, whoever he may be, will be allowed to possess and exercise the necessary powers of his station, with the confidence and support of those who by their choice of him will be interested in his success. I am become a burden to the service, and would instantly relieve it from the incumbrance, were I not apprehensive of creating worse consequences by my abrupt removal from it. Such an act would probably be considered by Mahdajee Scindia as a desertion of him in the instant of his accomplishment of the treaty, and defeat the purposes of it, which remain yet to be effected by his agency. I am also persuaded, that it

would be attended with the loss of the Commander in Chief, in whose presence alone I look for the restoration of peace to the Carnatic, which he, perhaps, would think too hazardous an undertaking, with no other support than that of a broken government. I have now no wish remaining, but to see the close of this calamitous scene, and for that I hope a few months will be sufficient. My services may afterwards be safely withdrawn; but will still be due, in my conception of what I owe to my first constituents, until they can be regularly supplied by those of my appointed successor, or until his succession shall have been made known, and the interval but short for his arrival.

It therefore remains to perform the duty which I had assigned to myself as the final purpose of this letter, to declare, as I now most formally do, that it is my desire that you will be pleased to obtain the early nomination of a person to succeed me in the government of Fort William; to declare, that it is my intention to resign your service, as soon as I can do it without prejudice to your affairs, after the allowance of a competent time for your choice of a person to succeed me; and to declare, that if in the intermediate time you shall proceed to order the restoration of Cheyt Sing to the zemindary, from which, by the powers which I legally possessed, and conceive myself legally bound to assert, against any subsequent authority to the contrary, derived from the same common source, he was dispossessed for crimes of the greatest enormity, and your Council shall resolve to execute the order, I will instantly give up my station and the service.

To these declarations, suffer me to add this reservation, that if in the mean time the acts of which I complain shall, on a mature revision of them, be revoked, and I shall find myself possessed of such a degree of your confidence

confidence as shall enable me to support the duties of my station, I will continue in it until the peace of all your possessions shall be restored, or it shall be your pleasure to allow me to resign it.

I have the honour to be,

Honourable Sirs,

Your most obedient,

And faithful servant,

WARREN HASTINGS.

P. S. Upon a careful revival of what I have written, I fear that an expression which I have used, respecting the probable conduct of the Board, in the event of orders being received for the restoration of Cheyt Sing, may be construed as intimating a sense of dissatisfaction applied to transactions already past. It is not my intention to complain of any one, but to vindicate my own character, and to state the difficulties of my situation. Neither do I mean, by excepting one person, to cast a censure on any others: yet I feel, in my esteem for Mr. Wheeler, and in my solicitude to avoid even the imputation of reflecting unjustly on his conduct, a duty impelling me to declare, that in my experience of it, since the time that we were first in the habits of mutual confidence, it has been fair and honourable to myself, and zealous to the public; equally free from profession and subterfuge; and his support given to me, in every instance, equal to whatever claim I might have to it.

W. H.

*Observations on a Letter to the Court of Directors of the East-India Company, from Warren Hastings, Esquire, Governor General of Bengal, dated at Fort William, the 20th of March, 1783, interspersed with such authentic Documents as tend to shew the Grounds upon which the Directors established their Resolutions respecting Mr. Hastings' Conduct towards Cheyt Sing, the Rajah of Benares. — Printed by Order of the Court of Directors, November 19, 1783.*

At a Court of Directors, held on Thursday, the 18th of July, 1782,

**R**ESOLVED, 1st, That it appears to this Court, that, on the death of Sujah Dowlah in 1775, a treaty was made by his successor, by which the zemindary of Benares, with its dependencies, was ceded in perpetuity to the East-India Company.

Resolved, 2d, That it appears to this Court, that Rajah Cheyt Sing was confirmed by the Governor General and Council of Bengal in the management of the said zemindary, (subject to the sovereignty of the Company) on his paying a certain tribute, which was settled at Sicca rupees 2,266,180; and that the Bengal Government pledged itself, that the free and uncontrolled possession of the zemindary of Benares, and its dependencies, should be confirmed and guaranteed to the Rajah and his heirs for ever, subject to such tribute; and that no other demand should be made upon him, nor any kind of authority or jurisdiction exercised within the dominions assigned him, so long as he adhered to the terms of his engagements.

Resolved unanimously, 3d, That it appears to this Court, that the Governor General and Council did, on the 5th of July, 1775, recommend to Rajah Cheyt Sing

Sing to keep up a body of 2000 horse, but at the same time declared there should be no obligation on him to do it.

Resolved unanimously, 4th, That it appears to this Court, that Rajah Cheyt Sing performed his engagements with the Company, in the regular payment of his tribute of Sicca rupees, 22,66,180.

Resolved, 5th, That it appears to this Court, that the conduct of the Governor General towards the Rajah, whilst he was at Benares, was improper; and that the imprisonment of his person, thereby disgracing him in the eyes of his subjects and others, was unwarrantable and highly impolitic, and may tend to weaken the confidence which the native Princes of India ought to have in the justice and moderation of the Company's government.

### OBSERVATIONS, &c.

The Court of Directors having thought proper, after the most mature deliberation, to come to sundry resolutions respecting the conduct of the Governor General of Bengal towards Cheyt Sing, the Rajah of Benares, the same were transmitted to the Governor General and Council, with several prefatory paragraphs. These resolutions have produced a very extraordinary reply on the part of the Governor General, denying, in the most positive terms, the existence of the facts on which they were founded.

As the Governor General has forborne “to \*detail “the proofs of these denials,” notwithstanding his opinion, “that † a simple denial of them would not

\* Vide printed letter, fol. 27.

† Ibid. fol. 23.

“ be

“ be sufficient,” his letter would probably have remained unnoticed, had not the zeal of his friends, by printing and circulating it, forced it upon the public attention—a letter calculated to bring contempt as well as an odium on the Court of Directors, for their conduct on this occasion.

This step, taken by Mr. Hastings’ friends, makes it necessary, in vindication of the conduct of the Court of Directors, to bring forward such observations as naturally occur on the various assertions contained in the Governor General’s letter, and in order to remove any unfavourable impressions which it may have made on the minds of the Public.

The printed letter above mentioned is preceded by extracts from the Company’s general letter to Bengal, dated the 28th of August, 1782; at the conclusion of which extracts, is added the following note or memorandum :

“ The letter from which the foregoing extracts were taken was signed by the two Chairs and eleven Directors.”

It may therefore be proper, before we enter on a justification of the resolutions, to which part of the foregoing extracts allude, to state,

That, for the 1st resolution, there were 22 Directors against 1.

For the 2d resolution, there were 15 against 8.

The 3d resolution passed unanimously.

The 4th resolution, “ That Cheyt Sing performed his engagements,” &c. passed likewise *unanimously*.

For the 5th resolution, after the terms of it, respecting the conduct of Mr. Hastings, had been much softened, there were 16 Directors against 7.

The Governor General, in his letter respecting the  
said

said resolutions, has expressed himself in the following words :

“ I deny that the Bengal Government pledged itself  
 “ that the free and uncontrolled possession of the ze-  
 “ mindary of Benares, and its dependencies, should  
 “ be confirmed and guaranteed to the Rajah and his  
 “ heirs for ever.

“ I deny that the Bengal Government pledged itself  
 “ that no other demand should be made upon him, nor  
 “ any kind of authority or jurisdiction exercised within  
 “ the dominions assigned him, so long as he adhered to  
 “ the terms of his engagements.”

Rajah Bulwant Sing, the father and immediate predecessor of Rajah Cheyt Sing, had *rendered great assistance to the Company in the war between them and the late Vizier Sujah Dowlah, Nabob of Oude*. Upon the conclusion of that war, General Carnac was, on the 11th of June, 1765, empowered by the President and Council of Bengal to settle certain preliminary articles with Sujah Dowlah, one of which was, *to secure Bulwant Sing in the possession of his country*. And by the 5th article of the definitive treaty concluded by Lord Clive at Allahabad, on the 16th of August following, “ his  
 “ Highness Sujah Dowlah engages, in the most solemn manner, to continue Bulwant Sing in the ze-  
 “ mindaries of Benares, Gauzipore, and all those districts he possessed at the time he came over to the  
 “ late Nabob Jaffier Aly Khân and the English, *on condition of his paying the same revenue as heretofore.*”

On the death of Bulwant Sing, in August, 1770, his son, Cheyt Sing, was, at the recommendation and request of the President and Council of Bengal, invested with the government of his father's territories, on his giving a nazerannah of 20 lacks of rupees, and  
 agreeing



agreeing to an increase of two lacks and an half in his annual tribute.

The instrument which was delivered to Cheyt Sing by the Vizier upon this occasion, is called a *treaty*, in which are the following words: “ Excepting what is included in the present agreement, *nothing shall ever be demanded of you in future.*” — It then concludes, “ In this, God, and the prophet of God, and the Koran, are included, that, between us and *our joint posterity*, there will never be a *variation herein.*”

The negociation for establishing Cheyt Sing in the zemindary of his father, was carried on by Captain (now Colonel) Gabriel Harper. — The following passage, in a letter from him of the 8th of October, 1770, to the President and Council of Bengal, giving an account thereof, points out the true line of policy which ought to have been followed by those who afterwards took the lead in that country: “ I will leave to the young Rajah, and others, to acquaint you how I have conducted myself; only thus much let me say, that I have kept a strict eye not to *diminish our national honour, disinterestedness, and justice*; which I will conclude has had a greater effect in securing to the Company their vast possessions, *than even the force of their arms, however formidable, could do.*”

The settlement of the zemindary in the family of Bulwant Sing was deemed of such consequence to the Company's affairs, that the President and Council, in their letter to the Court of Directors of the 31st of October, 1770, offer their congratulations in the following words: — “ Permit us, honourable Sirs, to congratulate you on so very happy a *conclusion* of an event we deem highly important to your interest.” And in their letter to the Court of 24th of December following, they say, “ that *Cheyt Sing is now FULLY*  
“ *invested*

“ *invested with the government, to the entire satisfaction of every one, and is considered by the Vizier as holding that country on the same terms as his father, the difference in the revenues excepted.*”

The Rajah, by a letter to the Governor, received the 7th of November, expressed his sense of the obligation thus conferred upon him, in the following words : —

“ The favour of the English Sirdars is such that I cannot describe the smallest particle thereof, and if even every hair of my head was a tongue, it would be impossible to express my sense of it.”

This event happened more than twelve months before Mr. Hastings succeeded to the office of President and Governor of Bengal ; yet he has asserted in his printed narrative \*, “ That Cheyt Sing obtained from our influence, exerted by *myself*, the *first legal* title that his family ever possessed of property in the land of which he, till then, was only the aumil, and of which he became the *acknowledged zemindar*, by a fannud granted to him by the Nabab Sujah Dowlah, *at my instance*, in the month of September, 1773.”

This ill-grounded assertion has been noticed here in order to shew the necessity of a careful examination of the several positive assertions in the Governor General’s letter, before a decided opinion be formed of the conduct of the Directors.

In the beginning of the year 1773, it was determined by the Council of Bengal, that their President, Mr. Hastings, should proceed to Benares, in order to obtain a personal interview with the Vizier. And in their instructions to him upon this occasion, dated 23d June, 1773, they say, “ We empower you to *renew*, on behalf of Rajah Cheyt Sing, the stipulation which was *formerly* made with the Vizier in favour

\* Page 8.

“ of his father Rajah Bulwant Sing, *in consideration of*  
 “ *his services to the Company in the year 1764.*”

Mr. Hastings having executed his commission, he, on the 4th of October, resumed his seat at the Board, and delivered in a Report of his negotiations.

These negotiations, so far as they relate to Rajah Cheyt Sing, are reported in the following words :

“ No. 3, is a Persian copy of a coulnama, or *engagement*, which I obtained from the Vizier, *confirming to Rajah Cheyt Sing and his posterity*, the stipulations formerly made in behalf of his father Bulwant Sing.—No. 4, is an English translation of it.—No. 5, a copy of the Vizier’s pottah, or rent roll, fixed with Rajah Cheyt Sing for the year 1178 \*, and alluded to in the coulnama.—No. 6, an English translation of the pottah.—No. 7, the translation of a letter which I wrote to Rajah Cheyt Sing, as *a farther assurance of the condition promised in the coulnama.*”

“ The coulnama was executed in my presence, and *attested by me.* The Vizier desired that the stipulations made in favour of the Rajah might be executed in this mode, rather than by an article in the treaty, *and it was equally satisfactory to the Rajah.*—I must remark that he had *already* given the Rajah a coulnama of this tenor, soon after the death of Bulwant Sing, through the solicitation of Captain Harpur, by the orders of the Select Committee.—He could therefore have no *reasonable* plea to refuse the *confirmation* of it. Nevertheless he seemed to think his *former* act of so little validity, that he pressed me, in very earnest terms, for my consent that he should *dispossess the Rajah of the forts of Lutefgur, and Bidjygur, and take from him 10 lacks of*

\* Bengal style.

“ rupees over and above the stipulated rent ; and he seemed greatly dissatisfied at my refusal. He argued, that the treaty of Illahabad related to Bulwant Sing solely, and was never meant to extend to his posterity. I confess the *letter* of the treaty expresses no more, yet I cannot conceive that either the Rajah or Lord Clive, when the treaty was made, could have intended it *in that sense*. It has certainly been differently understood, both by the Company and by this Administration ; and the Vizier himself had before put it out of all dispute by the solemn act passed in the Rajah's favour, on his succession to the zemindary. I am well convinced that the Rajah's inheritance, and perhaps his life, are no longer safe than while he enjoys the Company's protection, which is his due BY THE TIES OF JUSTICE, AND THE OBLIGATIONS OF PUBLIC FAITH ; and which policy enjoins us to afford him ever most effectually.” — “ His country is a strong barrier to ours, without subjecting us to any expences ; and we may depend upon him as a sure ally, whenever we may stand in need of his services.”

In the translation of the coulnama given by Sujah Dowlah to Rajah Cheyt Sing, which was laid before the Council by Mr. Hastings, are the following passages : “ Exclusive of the jumma\* specified in the caboolcat, no increase shall ever hereafter be demanded. By the word of God, and the holy Koran, and of the blessed Imaums, this agreement is made between me and my heirs, and you and your heirs, and it shall never be deviated from.”

The pottah fixes the tribute at rupees 22,48,449 ; and concludes in this manner : “ By the favour of God, there shall never be any deviation from this agreement.”

The paper, No. 7, referred to in the before-men-

\* Amount of the tribute,

tioned Report, which is a translation of a letter from Mr. Hastings to Rajah Cheyt Sing, as a farther assurance of the conditions promised in the coulnama, is as follows :

*“ From the Governor to Rajah Cheyt Sing.*

“ At this time, the Vizier of the empire having  
 “ given you an agreement under his hand and seal,  
 “ *which I have countersigned, and also affixed my seal to,*  
 “ it is necessary, that, conformably thereto, and ac-  
 “ cording to the treaty concluded at Allahabad by  
 “ Lord Clive and the Vizier, respecting Rajah Bul-  
 “ want Sing, your deceased father, you, with the  
 “ greatest cheerfulness, pay to the Vizier the rent  
 “ thereby established; in which case the Company  
 “ *will always attend to your welfare, and afford you*  
 “ *their care and protection; and in the agreement afore-*  
 “ *mentioned, there shall never be any breach or deviation.”*

Such was the relation in which Rajah Cheyt Sing stood to the Company, previous to the sovereignty of Benares being transferred to them upon the succession of Asoph ul Dowlah to the subahship of Oude.

Mr. Hastings' idea that the *rights* of Cheyt Sing were established *even before the Company were the guarantee for the performance of the agreement between him and the Vizier*, is clearly expressed by his refusal to permit the Vizier to dispossess the Rajah of the forts of Luteefgur and Bidjygur, and to take from him 10 lacks of rupees over and above the stipulated rents. — But when Mr. Hastings, on behalf of the Company, became himself the guarantee of a treaty, which confirmed the zemindary to Cheyt Sing and his heirs for ever, under a certain *fixed tenure*, how much more was the Company's protection due to the Rajah “ *by the ties of justice and the obligations of public faith!* ”

Even after the death of Sujah Dowlah, and immediately

diately preceding the transfer of the sovereignty of Benares, the Resident at the Court of the new Vizier was equally sensible of the rights of the Rajah, as appears by the following extract of a letter from him to the Governor General, dated the 14th of April, 1775.

“ I quoted (to the Vizier) the treaty subsisting between the late Vizier and Rajah Cheyt Sing, and *their heirs respectively*, of which the Company *were the guarantees*. So long as the Rajah paid his kists when they became due, his Excellency, on his part, *could not demand either an increase of rent or sums in advance.*”

And on the very eve of the conclusion of the treaty with Asoph ul Dowlah, the young Vizier, Mr. Hastings stepped in between him and the Rajah to shield the latter from the unjust demands of the former, notwithstanding if the money had been received from the Rajah, the Vizier had promised *to pay it to the Company, in part liquidation of his debt*. On that occasion the Rajah wrote a letter to Mr. Hastings, which he received on the 13th of May, 1775, expressing his acknowledgements in the following words: “ I have been honoured with your friendly letter, informing me, that, agreeably to my desire, you have written to the Nabob Asoph ul Dowlah, *to desist from his demand of six lacks of rupees in advance.*” It concludes, “ May the Almighty grant you a long continuance of every blessing which this world can afford for your kindness to me on every occasion, who have no other dependance but on your favour !”

Having thus shewn the connection between Rajah Cheyt Sing and the Company, previous to the Sovereignty of Benares being transferred to the English, and the unalterable tenure by which he held his zemindary under the Vizier, it is proper to examine the proceedings

ceedings of the Governor General and Council, which led to the treaty with the successor of Sujah Dowlah, by which that Sovereignty was vested in the Company.

. In doing this, it is impossible to separate the simple negotiation for obtaining the Sovereignty of the zemindary from the terms upon which the Rajah was to hold it under the Company; for so far from the latter subject being, as Mr. Hastings has asserted in his printed letter \*, “wholly foreign to the former,” it will be seen they are so blended together, that they cannot, nor indeed ought not, to be separated.

The death of Sujah Dowlah happened in the beginning of February, 1775; and it having been agreed by the Bengal Council, on the 13th of February following, that a new treaty should be executed with Asoph ul Dowlah, his son and successor, the Governor General proposed, “That each member of the Board should  
“ deliver in his sentiments of the conditions to be re-  
“ quired or acceded to for the new treaty; observing,  
“ that not having himself sufficiently considered the  
“ subject in the latitude which has been given to it by  
“ the foregoing resolutions †, he wishes to prepare  
“ what he may have to offer himself.”

Upon which it was “Resolved to adjourn unto the  
“ evening, that every member may prepare his ideas  
“ on the subject.”

But how has Mr. Hastings spoken of the cool and deliberate opinion which he prepared in consequence of the preceding resolution, when he afterwards saw that opinion quoted by the Court of Directors? “God  
“ forbid (says he) that any expression, dictated by the  
“ *impulse of present emergency, and unpremeditatedly ut-*

\* Fol. 30.

† The resolutions here spoken of related only to the Vizier.

“ *tered in the heat of party contention, should impose*  
 “ *upon me the obligation of a fixed principle, and be*  
 “ *applied to every variable occasion\*.*”

So far from its being the intention of the Board, that their opinion in this business should be considered as mere words passed in debate, it will be presently shewn, that even in this imperfect stage of it, they desired the attention of the Court of Directors to those very opinions ; nor was it possible for the Court to consider them in any other light, than as the deliberate sentiments of each individual member, which were hereafter to be so modified as to meet the general concurrence.

The Board being assembled in the evening, the members delivered in their separate opinions in writing ; so far as those opinions relate to the province of Benares, they are here subjoined.

*Mr. Francis's Opinion.*

“ The zemindary of Benares is to be made de-  
 “ pendant as a *fief* on the united kingdoms of Bengal  
 “ and Bahar ; and the *tribute*, lately paid by the  
 “ Rajah to the Vizier, to be paid to this govern-  
 “ ment.

“ The present Rajah of Benares to be confirmed in  
 “ the zemindary, which may be perpetuated in his  
 “ family, under a *fixed annual tribute*, and a *fixed fine*  
 “ at each future investiture ; a free trade to be open-  
 “ ed between these provinces and his country. *The*  
 “ *Rajah's authority in his own government to be left free.*  
 “ *and uncontrolled.*”

*Mr. Barwell's Opinion.*

“ The *independency* of Gauzipore on Oude is a  
 “ great political object, and ought to be insisted on ;  
 “ and whatever may be resolved respecting the re-



“venue paid by the Rajah of that country, *the English government ought not to stand in the same relation to it as the late Vizier*; because the country of Benares and Gauzipore is a *natural barrier to these provinces*; and the Rajah should have the strongest *ties of interest* to support our government, *in case of any future rupture with the Soubah of Oude*. To make this his interest, *he must not be tributary to the English government*; for from the instant he becomes its tributary, from that moment we may expect him to side against us; and by taking advantage of the troubles and commotions that may arise, attempt to disburden himself of his pecuniary obligations.”

*Colonel Monson's Opinion.*

“We should require that Cheyt Sing's zemindary be annexed to the soubahship of Bengal, or Bahar, or to both.”

*General Clavering's Opinion.*

“That the zemindary of Benares and Gauzipore shall be held by Cheyt Sing, of the Company, instead of the Soubah of Oude.

“The Nabob to relinquish to the Company the *sovereignty* of Benares and Gauzipore, to be held, as at present, by Cheyt Sing, *on his paying his tribute to the Company*.

“In order to attach this Rajah to the Company, *his tribute ought to be diminished at least three lacks of rupees*.”

*Governor General's Opinion.*

“That the *perpetual and independent* possession of the zemindary of Benares and its dependencies, *be confirmed and guaranteed to Rajah Cheyt Sing, and his heirs for ever*; subject *only* to the annual payment of the revenue hitherto paid to the late Vizier, amounting to rupees 23,71,656. 12, to be  
“dis-

“ disposed of as expressed in the following article ;  
 “ *that no other demand* be made upon him, either by  
 “ the Nabob of Oude, or this government, *nor any*  
 “ *kind of authority or jurisdiction* exercised by either,  
 “ within the dominions assigned him.

“ 2d, That an equal partition be made of the re-  
 “ venue of the zemindary of Benares, between the  
 “ Company and the Nabob of Oude ; that is to  
 “ say, that the Rajah shall pay monthly to each,  
 “ the sum of rupees 98,823. 2. 9 ; amounting on  
 “ the whole, to rupees 23,71, 656. 12, per an-  
 “ num ; that this participation be expressly declared  
 “ to be intended as a pledge and acknowledgement  
 “ of the equal relation in which the Rajah and  
 “ his successors are hereafter to stand to both go-  
 “ vernments.”

The Governor General's observations upon his own propositions, are as follow :

*Observations on the First Proposition.*

“ The Rajah of Benares, from the situation of his  
 “ country, *which is a frontier both to the provinces of*  
 “ *Oude and Babar*, may be made a serviceable ally to  
 “ the Company, whenever their affairs shall require it.  
 “ He has always been considered in this light, both by  
 “ the Company and the successive members of the  
 “ late Council ; but to insure his attachment to the  
 “ Company, his *interest* must be connected with it,  
 “ which cannot be better effected, than by freeing him  
 “ *totally* from the remains of his present vassalage, un-  
 “ der the *guarantee* and *protection* of the Company ;  
 “ and at the same time *guarding him against any appre-*  
 “ *hensions from this government*, BY THUS PLEDGING ITS  
 “ FAITH, *that no encroachments shall ever be made on his*  
 “ *rights by the Company.*

*Observations on the Second Proposition.*

“ I propose this article with some reluctance, as  
 “ contrary to my idea of the right of the Nabob of  
 “ Oude, in virtue of his agreement originally formed  
 “ between his father and the Company; but it is  
 “ conformable to the principle adopted by the Board,  
 “ in the resolutions\* passed this morning, and may,  
 “ perhaps, be obtained without much opposition from  
 “ the Nabob; at the same time that it contributes to  
 “ fix *the independency of the zemindary of Benares, on*  
 “ *the most permanent foundation.*”

These various written opinions were ordered to lie for the consideration of the Board.

Before it is stated what were the final resolutions of the Board upon this important subject, it is necessary to remark, that the establishing the *independency* of the Rajah of Benares (whether he was to hold his country under the sovereignty of the Vizier, or the Company, or both) was a point in which there was no difference of opinion. It was a great political arrangement. A mere glance at the map will at once shew the wisdom of such a policy, and how much it was for the good of the Company, to bind the Rajah to their interests, on conditions that were *not to be altered or varied.*

That all these opinions might be duly weighed by every member, the Board did not resume the consideration of them till the 3d of March. In the intermediate space, the Governor General and Council wrote to the Court of Directors on the 24th of February, that as the subject then under consideration was “ of great  
 “ magnitude and importance, they had chosen to enter upon it in Council, *with all the deliberation which*  
 “ *it requires.*” “ The ideas of the different mem-

\* Which relate only to the Vizier,

“ bers.”

“ bers,” (say they) “ will appear in the consultations  
 “ referred to in the margin; they are not given in  
 “ as conclusive opinions, but as sentiments subject  
 “ to be canvassed, modified, and corrected, and tend-  
 “ ing only to *throw light on the subject*, before the final  
 “ determination of the Board; when that determina-  
 “ tion takes place, you shall be duly advised.” Yet  
 these opinions so deliberately given, and to which the  
 attention of the Court of Directors is thus particularly  
 drawn, even before they became final resolutions,  
 are interpreted by Mr. Hastings, in his letter, as ex-  
 pressions “ *unpremeditatedly uttered in the heat of party*  
 “ *contention*\*.” And the Board, in their subsequent  
 letter to the Court, of the 24th March, say, “ The  
 “ subject was agitated in Council with every degree  
 “ of *attention and circumstantial discussion* which its con-  
 “ sequence demanded.”

On the 3d of March, 1775, as has been before  
 observed, the Board resumed the consideration of  
 the separate minutes delivered in by each member  
 on the 13th February. And, among other leading  
 points, relative to the proposed treaty with the young  
 Vizier, the Governor General proposed the following  
 question :

“ Whether it shall be made a condition of the new  
 “ treaty, that Rajah Cheyt Sing shall exercise a *free and*  
 “ *independent authority in his dominions*, subject *only* to  
 “ the payment of his *tribute*?”

“ Mr. Francis. Yes.

“ Mr. Barwell. Yes.

“ Col. Monson. No, I think not; as I see no ad-  
 “ vantage in it for the Company’s interest.

“ Gen. Clavering. Provided he pays his *tribute* to

\* Fol. 31.

“ the Company, I think he should be rendered *in-*  
 “ *dependent.*

“ *The Governor General. Yes.*”

Here is a solemn resolution of the Board, with only one dissentient voice, that Rajah Cheyt Sing should exercise a *free and independent authority* in his own dominions, subject *only to the payment of his tribute.* And on the 24th of the same month, the Board acquainted the Court of Directors with their having resolved,  
 “ That the Rajah of Gauzipore should be rendered  
 “ *totally independent,* and be left to exercise a free au-  
 “ thority in his own dominions, subject *only* to the  
 “ payment of his *tribute.*”

The general terms upon which Cheyt Sing was to hold his zemindary, whether under the sovereignty of the Vizier, or the Company, or both, being thus settled, the next question proposed by the Governor General was as follows :

“ Whether it shall be made an article in the treaty,  
 “ that, in consideration of the engagements to be en-  
 “ tered into by this government, to guarantee the  
 “ possessions of the Nabob of Oude, as before resolv-  
 “ ed, he shall cede and make over to the Company  
 “ the whole, or any part of the tribute due from the  
 “ zemindary of Gauzipore ?”

And the several members of the Board having given their opinions thereon, it was resolved, “ That a de-  
 “ mand be made (of the Vizier) for the tribute of  
 “ Gauzipore, but that it be not considered an abso-  
 “ lute and indispensable article in the negotiation  
 “ with the Nabob.

On consultation the 8th March, is entered another minute of Mr. Francis upon this business, in which is the following clause :

“ In

“ In agreeing to the proposed *independency* of the  
 “ Rajah of Benares, my meaning was to adhere strict-  
 “ ly to the 3d paragraph \* of my minute of the 13th  
 “ of February. The zemindary may be perpetuated  
 “ in his family, on *fixed and unalterable conditions*. The  
 “ conditions I proposed tend to secure us a great ac-  
 “ cession of revenue, without any accession of terri-  
 “ tory. It is highly for his own advantage to be con-  
 “ sidered as a vassal of the sovereign of these king-  
 “ doms, holding a great hereditary fief by a *fixed*  
 “ *tenure*, and acknowledging the Sovereign of Bengal  
 “ and Bahar to be his Lord Paramount.”

At length the new treaty with the Vizier was finally settled; by the 5th article of which the *sovereignty of Benares, and its dependencies, was ceded in perpetuity to the Company.*

The sovereignty of Benares being thus transferred to the Company, the Governor General, on the 12th June, 1775, laid before the Board the following minute and observations for their consideration, with this preface :

“ The sovereignty of the zemindary of Benares,  
 “ and its dependencies, having been ceded in perpe-  
 “ tuity to the honourable Company, by the 5th arti-  
 “ cle of the treaty lately formed with the Nabob Asoph  
 “ ul Dowlah, it becomes immediately necessary to de-  
 “ termine in what manner this right shall be exercised,  
 “ and the regular payment of the revenue due from  
 “ the Rajah secured.”

“ The Governor General then moved, that this  
 “ subject be taken into the consideration of the Board ;  
 “ and submits to their correction and approval, the  
 “ following plan of settlement with Rajah Cheyt Sing,  
 “ to be observed till the pleasure of the Company re-  
 “ specting it shall be known ; declaring his readiness

“ to acquiesce in any other which may be proposed,  
 “ on terms by which more effectual provision may be  
 “ made for the interest of the Company, *without an*  
 “ *encroachment on the just rights of the Rajah, or the en-*  
 “ *gagements actually subsisting with him.*”

Before the recital of the Governor General's plan of settlement, it is necessary to remark, that though the *sovereignty* of Cheyt Sing's territories was removed into other hands, yet his *known* and *established rights* in those territories had undergone *no change whatever*. They are here acknowledged to exist in as full and complete a manner as when the Vizier was his sovereign, and the subsisting engagements are allowed to remain in full force and virtue. The nature of those *just rights*, and the actual extent of *those engagements*, here recognized by the Governor General, may be ascertained by the several instruments already referred to, and by the construction put thereon by the Governor General, in his several interferences to prevent more being taken from the Rajah than the amount of his tribute.

But to proceed in the recital of the Governor General's propositions, with his observations thereon.

## PROPOSITIONS.

“ 1st, That Rajah Cheyt Sing  
 “ shall pay into the treasury of  
 “ the honourable Company at  
 “ Patna, in equal monthly pay-  
 “ ments, the yearly revenue of  
 “ 22,48,449 Sonaut rupees, being  
 “ the sum settled with the late Na-  
 “ bob Sujah Dowlah, and confirmed  
 “ by an agreement, executed by the  
 “ same Nabob, in presence of the  
 “ President of the late Council of  
 “ Fort William, at Benares, under  
 “ date the 6th September, 1773.”

## OBSERVATIONS.

“ There is no question that the  
 “ Rajah can well afford to pay this  
 “ proportion of the rents of his ze-  
 “ mindary; *which consists of as rich*  
 “ *and well-cultivated a territory as*  
 “ *any district, perhaps, of the same*  
 “ *extent in India.*—The Company  
 “ have a clear and indisputable  
 “ right to this sum; nor is it likely  
 “ that he will either contest it, or  
 “ desire any remission of it. Be-  
 “ sides, the other conditions pro-  
 “ posed in this plan will virtually  
 “ prove

## PROPOSITIONS.

## OBSERVATIONS.

“ prove both an augmentation of  
 “ his means, and a diminution of  
 “ his real payments to Govern-  
 “ ment, as will be shewn in the  
 “ remarks on the last article. It  
 “ is proposed to receive the pay-  
 “ ment of his rents at Patna, be-  
 “ cause that is the nearest pro-  
 “ vincial station, and because it  
 “ would not frustrate the *inten-*  
 “ *tions of rendering the Rajah inde-*  
 “ *pendent.* If a Resident was ap-  
 “ pointed to receive the money as  
 “ it became due, at Benares, such  
 “ a Resident would unavoidably  
 “ acquire an influence over the  
 “ Rajah, and over his country,  
 “ which would in effect render  
 “ him the master of both. This  
 “ consequence might not, per-  
 “ haps, be brought completely to  
 “ pass without a struggle, and  
 “ many appeals to the Council,  
 “ which, in a government con-  
 “ stituted like this, cannot fail to  
 “ terminate against the Rajah ;  
 “ and, by the construction to  
 “ which his opposition to the  
 “ agent would be liable, might  
 “ eventually draw on him severer  
 “ restrictions, and end in redu-  
 “ cing him to the mean and de-  
 “ praved state of a mere zemindar.”

“ 2d, That the Rajah shall be  
 “ empowered to exercise a com-  
 “ plete and uncontrolled authori-  
 “ ty over his zemindary, under  
 “ the acknowledged sovereignty  
 “ of the Company ; in the go-  
 “ vernment of the country depen-  
 “ dent

“ 2d, The advantage which the  
 “ Rajah will receive from these  
 “ concessions, exclusive of the  
 “ gratification which his pride  
 “ would obtain *from the possession*  
 “ *of a state of power and dignity,*  
 “ *unknown to any of his ancestors,*  
 “ and



## PROPOSITIONS.

“dent on him ; in the collection  
 “of the revenues ; and in the ad-  
 “ministration of justice.”

## OBSERVATIONS.

“and the security of his person  
 “and possessions, from the Com-  
 “pany’s protection, may be rated  
 “equal to many lacks of rupees ;  
 “which, though saved to him,  
 “are no loss to the government  
 “on which he depends ; being all  
 “articles of invifible expence in  
 “fees to the minifters and officers  
 “of the Nabob ; in the charges  
 “of a double eftablifhment of  
 “vakeels to both governments ;  
 “in prefents and charges of ac-  
 “commodation to the Nabob,  
 “during his refidence at any  
 “place within the boundaries of  
 “his zemindary ; in the frauds,  
 “embezzlements, and oppreffions  
 “exercifed in the mint and cut-  
 “wally, befides the allowed pro-  
 “fits of thofe officers ; and the  
 “advantages which every man in  
 “occasional power, or in the cre-  
 “dit of it, might make of the Ra-  
 “jah’s known weaknefs, and the  
 “dread he flood in, both of the  
 “difpleafure of the Nabob, and  
 “the ill-will of individuals among  
 “the Englifh, who were all con-  
 “fidered, either in their prefent  
 “ftations or connections, or the  
 “right of fucceffion, as members  
 “of the State of Bengal. It  
 “would be fcarce poffible to enu-  
 “merate all the inconveniences  
 “to which the Rajah was liable  
 “*in his former fituation* ; or to  
 “eftimate the precise effect which  
 “they produced on his revenue,  
 “and on the grofs amount of his  
 “expences ; but it may be eafily  
 “con-

## PROPOSITIONS.

“ 3d, That funnuds be granted  
 “ to the Rajah, especially confer-  
 “ ring upon him the power of ap-  
 “ pointing officers to the charge  
 “ of the catwally, and the mint of  
 “ Benares ; the latter to be sub-  
 “ ject to such orders and regula-  
 “ tions as the Governor General  
 “ and Council shall at any time  
 “ think it proper to decree.”

## OBSERVATIONS.

“ conceived, that both were enor-  
 “ mous, and of a nature the most  
 “ likely to lessen the profits of  
 “ Government, instead of adding  
 “ to them.”

“ 3d, These offices have been  
 “ *considered as marks of sovereign-*  
 “ *ty* ; at least this has served for  
 “ the pretext to withhold them  
 “ from the Rajah, to whom they  
 “ have been a heavy grievance.  
 “ The catwally especially, which  
 “ being held in farm, and exer-  
 “ cised under the authority of a  
 “ prince, who had no interest in  
 “ the welfare or ease of the people,  
 “ has always been represented, as  
 “ in its obvious tendency it could  
 “ scarce fail to prove, a source of  
 “ the worst corruption and op-  
 “ pression, from which there was  
 “ no appeal. If there be any  
 “ weight in the plea for referring  
 “ these prerogatives to the Com-  
 “ pany, the grant of them to the  
 “ Rajah himself, by special fun-  
 “ nuds, will be a sufficient expres-  
 “ sion of their *sovereignty* ; al-  
 “ though the solemn renunciation  
 “ of it, already made by the Na-  
 “ bob of Oude, is the best and  
 “ most valid charter under which  
 “ it can be claimed ; and while  
 “ they have three brigades, and  
 “ a full treasury to assert it, there  
 “ is no fear that their rights to it  
 “ will be opposed by reasonings  
 “ drawn from implied symbols of  
 “ dominion. Some regulations  
 “ will be immediately necessary  
 “ for the mint, and others may  
 “ oc-

## PROPOSITIONS.

## OBSERVATIONS.

“ occasionally become so. No  
 “ alteration should be made in the  
 “ weight or alloy of the coin to  
 “ be debased, and the Rajah him-  
 “ self hold his right to the mint,  
 “ on condition of his faithful ob-  
 “ servance of these rules. By the  
 “ custom of Benares, all rupees  
 “ struck in the mint are called  
 “ Siccas, and pass as the current  
 “ coin of the country for one  
 “ year, after which they are  
 “ charged with a batta, varying  
 “ from 2 to  $3\frac{1}{2}$  per cent. accord-  
 “ to their dates, and pass under  
 “ the denomination of sonauts, or  
 “ gawker shakees. It is in these  
 “ species that the rents are paya-  
 “ ble to Government ; and while  
 “ they continue of equal and pro-  
 “ per qualities, they may be in-  
 “ troduced into circulation in the  
 “ province of Bahar, without loss  
 “ to the Company, and with an  
 “ advantage to the collections.  
 “ But the greatest care ought  
 “ therefore to be taken, that the  
 “ rupees be not debased ; for if  
 “ they are, they will occasion a  
 “ double loss on the Company,  
 “ by the immediate discount on  
 “ them in the treasury, and by a  
 “ false currency introduced into  
 “ the revenue.

“ 4th, That in return for these  
 “ concessions, and for the perform-  
 “ ance of his duty as a vassal to  
 “ the Company, the Rajah shall  
 “ engage to maintain in constant  
 “ pay, and ready at all times for  
 “ immediate service, a body of

“ I rather propose this for *con-*  
 “ *sideration* than *recommend* it ;  
 “ such a body of well-disciplined  
 “ and well-appointed cavalry will  
 “ give credit to the Rajah, and  
 “ may prove serviceable to this  
 “ Government, though the oc-

## PROPOSITIONS.

“ 2000 horse, on such a fixed  
 “ establishment as shall be pre-  
 “ scribed by the Governor Gene-  
 “ and Council; and that when-  
 “ ever the service of this corps  
 “ shall be required by the Gover-  
 “ nor General and Council, it  
 “ shall be consigned to the com-  
 “ mand of such officer or officers  
 “ as they shall appoint, and be al-  
 “ lowed from the Company an ad-  
 “ ditional pay or gratuity of fif-  
 “ teen rupees per month, for each  
 “ private man, and in proportion  
 “ for the officers of the said corps,  
 “ during the time of such ser-  
 “ vice.”

“ 5th, That while the Rajah  
 “ shall continue faithful to these  
 “ engagements, and *punctual* in his  
 “ payments, and shall pay due  
 “ obedience to the authority of  
 “ this Government, *no more de-*  
 “ *mands shall be made upon him*  
 “ *by the honourable Company, or*  
 “ *ANY KIND, or on any pretence*  
 “ *whatsoever* shall any person be  
 “ allowed to *interfere* with his  
 “ *authority, or disturb the peace of*  
 “ *his country.*”

## OBSERVATIONS.

“ cations will rarely happen in  
 “ which we shall want it; the ad-  
 “ ditional pay will make them  
 “ our own when we do want  
 “ them, and will be no great ex-  
 “ pence.”

“ The voluntary restraint laid  
 “ by Government on its own ac-  
 “ tions will afford the Rajah the  
 “ *greatest confidence*, and naturally  
 “ inspire him with sentiments of  
 “ fidelity and attachment, both  
 “ from the principles of grati-  
 “ tude and self-interest. Without  
 “ some such appearance, he will  
 “ expect, with every change of  
 “ Government, *additional demands*  
 “ to be made upon him; and will,  
 “ of course, descend to all the  
 “ arts of intrigue and conceal-  
 “ ment practised by other depen-  
 “ dent Rajahs, *which will keep*  
 “ *him indigent and weak, and even-*  
 “ *tually prove hurtful to the Com-*  
 “ *pany.* By proper encourage-  
 “ ment and protection, he may  
 “ prove a *profitable dependent, a*  
 “ *useful barrier, and even a power-*  
 “ *ful ally* to the Company; but  
 “ he will be neither, if the condi-

## OBSERVATIONS.

*tions of his connection with the*

*Company are left open to FUTURE*

*VARIATIONS."*

The forgoing minute was ordered to be circulated to the members of the Board, for their more attentive perusal and deliberation.

On the 5th of July, the Board re-considered the Governor General's minute and plan proposed for a settlement with Rajah Cheyt Sing. The 1st, 2d, and 3d articles were, with some alterations, agreed to.

Upon the 4th article being read, several opinions were delivered in, of which the following are extracts :

*Mr. Francis.*—" I object to our *compelling* the Rajah to keep up an extraordinary force for our service, considering it in effect *as an increase of the tribute* ; which is contrary to the principles which have guided my judgement from the first outset of this negotiation."

*Mr. Barwell.*—" I am of opinion, that the Rajah should keep up such a body of forces ; but entertain the same sentiments with Mr. Francis, respecting its being an *enhancement of his tribute*, and of any degree of *compulsion* to induce him to do it."

*Colonel Monson.*—" I am of opinion the Company should receive the Rajah's assistance on the same terms he gave it to the Vizier, or the present Nabob."

*General Clavering.*—" I would not *compel* the Rajah to keep up any troops, but I would *recomemend* it to him to maintain the number which the Governor General has proposed."

*Governor General.*—" It was far from my intention to propose *this or any other article to be imposed on the*

“ the Rajah by **COMPULSION**, I only proposed it as an article of speculation.”

“ Upon which the Board resolved, 'That it *be recommended* to Rajah Cheyt Sing to keep up a body of 2000 cavalry, to be disciplined after the European manner, but that there be no *obligation* on him to do it.”

There was such a perfect unanimity in the Board respecting the fifth article of the Governor General's propositions, that all which is recorded respecting it is in these few words :

“ Read the fifth article ; approved the proposition in this article.”

But as this article is the most material of the whole, a ready excuse will be made for repeating it in this place.

“ Resolved, That while the Rajah shall continue faithful to these engagements, and punctual in his payments, and shall pay due obedience to the authority of this government, *no more demands shall be made upon him, by the honourable Company, of ANY KIND ; or on any pretence whatsoever shall any person be allowed to interfere with his authority, or to disturb the peace of his country.*”

Such were, in general, the terms on which Rajah Cheyt Sing was to hold his zemindary, and by a faithful adherence to which, on his part, the Company were bound to abide by them on theirs.

Some subsequent arrangements were made for ascertaining the exact amount of his tribute, which was finally settled at Sicca rupees 22,66,180, and the royalties of the mint, of the administration of justice, and of the police, were afterwards settled upon him.

But Mr. Hastings is by no means willing to consent, that, in the examination of the rights and privileges which

which were possessed by the Rajah, any reference should be made to the instruments which passed between him and Sujah Dowlah in 1770, and to those of 1773, between the Rajah, the Vizier, and the Company, previous to the sovereignty of Benares being transferred to the latter ; or to the opinions of the several members, and the resolutions of the Board in consequence, which were taken subsequent to such transfer ; or to the solemn declarations which were made to the Rajah on his investiture. He wishes these to be buried in oblivion, and only desires to apply to the deeds which passed in consequence of those resolutions, and has accordingly pointed out the 9th and following pages of his narrative, printed in Calcutta, in which reference is made to the Sunnud, the Pottah, and the Caboolcat, dated the 15th of April, 1776.

But before we proceed to speak of these deeds, every one would naturally suppose that they contained the substance of the Board's resolutions, which were to serve as instructions to those employed in preparing the deeds ; otherwise the deliberations of the Board were a mere solemn mockery ; or the sunnuds might as well have been made out immediately on the treaty being concluded with Asoph ul Dowlah, and the terms of these sunnuds left for future discussion.

That it was at one time the intention of the Board to make the sunnuds accord with their own resolutions, as they ought to have done, appears evidently from the following minute of Council, 26th February, 1776.

“ Ordered, That the Secretary do prepare a draft of  
 “ separate sunnuds for the zemindary and cutwalla of  
 “ Benares and Jaunpore, also of the mint of Benares,  
 “ in the usual form, *expressing the conditions already re-*  
 “ *solved on, in the several proceedings of this Board.*” On  
 the same day a letter was written to the Resident, where-  
 in,

in, after mentioning the terms of the remittance of the Rajah's tribute to Calcutta, they inform him, " that " they have ordered proper funnuds to be prepared, " specifying the above, *as well as the several other " conditions which have already been agreed to*, and shall " forward it to you to be delivered to the Rajah." And in their letter to the Court of Directors in the secret department of the 20th of the following month, they again explain the terms of the remittance, and say, " that a funnud for his (Cheyt Sing's) zemindary shall " be furnished him on these, *and the conditions before " agreed on.*"

It is therefore plain, not only from the reason of the thing, but from the Board's own sense of the matter, that the written deeds ought to have contained the precise terms on which it was agreed that Cheyt Sing should hold his zemindary ; and the resolutions of the Board, and the funnud, should have been, as nearly as possible, counter-parts of each other.

Indeed it is confessed by one of the members of the Board (Mr. Francis), that " the terms which were originally agreed to give the Rajah, *and which he consented to, were made the fundamental tenure by which he held his zemindary.*"

Why, therefore, the deeds were not made conformable to the resolutions ; why they even fell short of the funnuds granted to the Rajah by the Vizier, to which the Company was the guarantee, notwithstanding the avowed policy of the Bengal government, to render him more independent than he was before, is difficult to conceive.

As the Governor General's narrative has been long since in the hands of the public, where the funnuds, &c. by which Cheyt Sing held his zemindary, are said to be contained, it is necessary, in this place, to compare



pare them with those held by the Rajah under the Vizier.

It has already been seen that Mr. Hastings was the guarantee of the former sunnuds; and that upon the sovereignty of Benares being transferred to the Company it was clearly understood, that in the future plan of settlement with the Rajah, no encroachment was to be made *on his just rights, or the engagements actually subsisting with him.*

In the coulnama given by Sujah Dowlah, in 1773, are the following words: “ *No increase shall ever after be demanded.*” In the sunnud given by the Company, in 1776, *these words are omitted.*

In the pottah of 1773, is the following sentence: “ By the favour of God, *there shall never be any deviation in this agreement.*” In that of 1776, *this sentence is omitted.* And the Governor General’s letter to Cheyt Sing, in 1773, concludes thus; “ In the agreements before mentioned, *there shall never be any breach or deviation.*” Whether there were any variations in the cabooleat, cannot be ascertained; for if, in 1773, Cheyt Sing executed such an instrument, it is not entered on the records,

Having pointed out these variations, it is necessary to answer an objection, that, to the uninformed, seems naturally to arise out of the subject, viz. That though the spirit of the several resolutions of the Board is not incorporated with the actual deeds, as it ought to have been; yet, as Cheyt Sing was ignorant of those resolutions, he was bound by the terms of the sunnuds, after he had accepted them, notwithstanding their deviation from the genuine intent and meaning of the Council, as expressed in those resolutions.

They who suppose that these resolutions were confined to the narrow limits of the Council Chamber; and

and that they remained locked up in the silent repositories of the other records, are much mistaken. Cheyt Sing was fully acquainted with them: And by whom? By the Governor General and Council themselves. For in their instructions to the Resident (Mr. Fowke) at the Rajah's Court, which were dated the 24th of August, 1775; not much above a month after the resolutions passed, are the following words, viz.

“ It will be proper to assure the Rajah, *that we do not mean to increase his tribute*, but to require from him the *exact sum*.

“ That under the acknowledged sovereignty of the Company, we are determined to leave him *the free and uncontrolled management of the internal government of his country*, and the collection and regulation of the revenues, *so long as he adheres to the terms of his engagements; and will never demand any augmentation of the annual tribute which may be fixed*.

“ As we deem it very essential that the Rajah; for the protection of his zemindary, should maintain a body of regular troops, we would strongly *recommend* to him the keeping in constant pay; and ready at all times for service, 2000 horse, disciplined and clothed after the European manner. *We cannot authorize you to insist upon this article*: However, as it appears so obvious for his own interest, we doubt not but he will readily agree to it; and, it must be, left to his option to keep up, or reduce his present military establishment in consequence: and as an inducement we will agree, whenever we may find occasion to call for the assistance of this corps, or any part of it, *we will pay a gratuity of 15 rupees per month for each private man, and in proportion for the officers, during the time that they may be in our employ.*”

But the Board were not satisfied with instructing their Resident to make the before-going representation ; they resolved that a letter should be written by the Governor General himself, to Rajah Cheyt Sing, to be delivered to Mr. Fowke, the Resident, with his credentials.

*The following is extracted from it.*

“ The Board being willing to continue the grant of  
 “ the zemindary to you, *in as full and ample a manner*  
 “ *as you possessed it from the former Sovereigns, and upon*  
 “ *the same terms, on your paying the annual tribute, &c.*”

This letter also mentions, that sannuds for the grant of the mint and cutwally would be hereafter transmitted ; and concludes, “ the other sources from which  
 “ the Nabob of Oude drew a revenue, will also be  
 “ granted you, that you may possess *an uncontrolled and*  
 “ *free authority in the regulation and government of your*  
 “ *own zemindary.*”

It will plainly be seen, that these letters were written in the very spirit of the resolutions of the Board. Indeed, those resolutions were afterwards considered by Mr. Francis (Consultation 28th of September, 1778) as “ *the voluntary and fundamental engagements of the government itself.*” This Board was already bound to the “ *Rajah by certain acts of their own.*” But with regard to the original instruments which passed between the Rajah and the Company, it is impossible to say whether they did, or did not, accord with those resolutions.

The deeds which Mr. Hastings has produced in his narrative, are dated the 15th of April, 1776, and made out in consequence of the sovereignty of the mint and cutwally being vested in the Rajah ; whereas the original ones for the zemindary were signed by the Board on the 4th of September, 1775, as appears by the following minute of Council on that day, made in consequence

sequence of an information from the Secretary, that he had prepared the sunnuds for Rajah Cheyt Sing.

“ Agreed, That the sunnuds, pottah, and coulnama, “ be now signed and transmitted to Mr. Francis Forster.” And on the 20th of November following, the Court of Directors were acquainted, “ that Rajah Cheyt Sing “ had been invested with the *sunnuds for his zemindary, “ and a kellaut in all the proper forms.*”

Mr. Hastings has complained to the Court, that at the point of the settlement their detail stops. The detail was necessarily stopped here; for the sunnuds, &c. which passed upon the investiture, are not entered upon the Company’s records. And it is fair to suppose, that these instruments agreed exactly with those which Cheyt Sing received from the Vizier in 1773; for in his letter to the Governor General, entered on the Persian correspondence of the 1st of October, 1775, he himself points out, that the kellaut, with which he was to be presented on his new investiture, *is not of the same kind as that which he received from the late Vizier on the like occasion*; and in consequence thereof, the Board, in their letter to the Resident, of the 11th of October, “ desire him to make inquiry respecting the nature of that kellaut, and *invest him with one of the same sort, on the part of this government, instead of that which they formerly described to him.*”

The impossibility of the Court’s referring to the original deeds which passed the settlement of the zemindary on Rajah Cheyt Sing being clearly shewn, as well as the probability that those deeds were similar to what he received from the Vizier; we shall proceed to observe on the new sunnuds, which were passed several months after the settlement and investiture in 1775.

On the 15th of April, 1776, the Secretary informed the Council, “ that having prepared the sunnuds and

“ pottah for Rajah Cheyt Sing’s zemindary, he begs  
 “ leave to lay them before the Board, with copy of an  
 “ obligation to be executed by him for the remittance  
 “ of his tribute;” the Board then signed the former,  
 and ordered all three to be transmitted to the Rajah.  
 These instruments Mr. Hastings has annexed to his  
 narrative, and has referred to them in his letter.

But one material piece of information respecting  
 them, Mr. Hastings has thought proper to withhold,  
*viz. That the Rajah declined the acceptance of the sunnud  
 and pottah, and objected to the execution of the cabooleat.*

The Resident states to the Board the Rajah’s objec-  
 tions to them, in his letter of the 17th of July, one of  
 the principal of which was to the clause in the sunnud,  
 and cabooleat, by which *the former sunnuds are declared  
 to be null.*

The Rajah was sensible of his rights, and asserted  
 them. The Board were not at this time disposed to in-  
 fringe those rights; having, according to the Governor  
 General’s expression, “ *A full Treasury* \*;” but imme-  
 diately (29th July) ordered the Secretary to prepare a  
 new sunnud and pottah, *omitting the sentence declaring  
 the former sunnuds to be null.* These deeds were deli-  
 vered to the Rajah, and the others, which he objected  
 to, as well as those originally delivered to him, were  
 received back, and returned to the Presidency.

Notwithstanding the before-mentioned transaction,  
 the Governor General has printed the sunnud of 15th  
 of April, without the alteration; and the words, “ *all  
 “ former sunnuds to become null and void,*” are suffered to  
 remain in the instrument, which the Governor General  
 has referred to as the *actual* agreement.

With regard to the cabooleat, on which Mr. Hastings  
 has laid so much stress, it was not possible for the Court

of Directors to gain any information from that, for it is no where entered upon the Company's records; and the Governor General's narrative is the only place in which it is to be found.

As it clearly appears that there were three sets of grants executed, though only one seems to have been necessary, and one only actually subsisting, it is proper here to recapitulate the various circumstances of these transactions. On the 24th of August, 1775, the Board ordered the necessary sunnuds to be prepared for Cheyt Sing's zemindary. On the 4th of September they were signed, though they are not entered on the Company's records. On the 24th of October the Rajah was invested with these sunnuds by the Resident, Mr. Fowke. And on the 20th of November the Court of Directors were acquainted, "*The Rajah Cheyt Sing had been invested with the sunnuds for his zemindary, and a kellaut, in all the proper forms.*" After the investiture, it was resolved, that the sovereignty of the mint and cutwally\* should be vested in the Rajah. On the 22d of January, 1776, the Rajah requested of the Board, through the Resident at his Court, that he might be furnished with sunnuds, under their signature, for those offices. On the 30th of December, the precise amount of the Rajah's tribute was settled at rupees 22,66,180, with which the Board expected his acquiescence in consequence of the mint and cutwally being settled on him, "and from the very great advantages he will derive by being thus secured in the free and independent government of his country." On the 26th of February, the Resident expressed to the Board the Rajah's consent to the amount of the tribute as last settled. On which day the Board ordered the Secretary "to prepare a draught

\* Administration of justice.

“ of *separate* funnuds for the *zemindary* and *cutwally* ;” also, “ of the *mint*, in the usual form, *expressing the conditions already resolved on in the several proceedings of the Board.*” On the 15th of April the Board signed *one* funnud and a pottah, (not *separate* funnuds) in which funnud the *zemindary*, the *cutwally*, and the *mint*, are included. A translation of the funnud and pottah is entered upon the records, but not of the *coulnama*. The Rajah objected to the funnud, on account of the clause, declaring all former funnuds to be null and void. The Board, on the 29th of July, ordered new instruments to be made out, (which are likewise not entered upon the records) omitting those words. These instruments were transmitted to the Rajah, and delivered to him by the Resident, Mr. Fowke, who received back the former funnuds, and returned those of September, 1775, and April, 1776, to the Presidency.

But it is not from the *letter* of the deeds of April, printed by the Governor General, supposing they had not been rejected by the Rajah, that a judgement on this important matter is to be formed. The *spirit* of them is to be attended to ; *with a due regard to all the relative circumstances of the case ; — to the minutes and resolutions of the Board ; — to the declarations which were made to the Rajah in consequence of those resolutions ; — and to the great political object of establishing a barrier for the security of the provinces in case of a future rupture with the Vizier.* In 1773, the Governor General was sensible that the *spirit* and *intention* of a treaty ought to be adhered to when he gave so liberal a construction, in the Rajah's favour, of the treaty which had been made between his father and the late Vizier, and in his several interferences, to prevent more being exacted from the Rajah than the amount of the tribute.

Having

Having thus shewn the relation in which Cheyt Sing stood to the Vizier, who settled on him and his heirs for ever the zemindary of Benares, *on certain fixed conditions*; and likewise the guarantee of the English, that those conditions should be adhered to on both sides; the subsequent agreement, (*acknowledging the former to be in full force*) which was made with him upon the sovereignty of the province being vested in the Company, *and the solemn assurances which were given to the Rajah, by the Supreme Council, in explanation of that agreement*, it is presumed every unprejudiced person must be of opinion, that the Court of Directors were warranted in resolving, “ That Rajah Cheyt Sing was  
 “ confirmed by the Governor General and Council of  
 “ Bengal in the management of the said zemindary,  
 “ (subject to the sovereignty of the Company) on his  
 “ paying a certain tribute to the Company, which was  
 “ settled at rupees 22,66,180; and that the Bengal  
 “ Government pledged itself that the free and uncon-  
 “ trolled possession of the zemindary of Benares, and  
 “ its dependencies, should be confirmed and guaran-  
 “ teed to the Rajah and his heirs for ever, subject to  
 “ such tribute; and that no other demand should be  
 “ made upon him, nor any kind of authority or jurif-  
 “ diction exercised within the dominions assigned him,  
 “ so long as he adhered to the terms of his engage-  
 “ ments.”

The grounds of the preceding resolution of the Court of Directors having been thus established, and it having been proved that the conditions upon which Rajah Cheyt Sing held his zemindary were fixed and unalterable, it is necessary, in the next, place to shew what was the conduct of the Governor General and Council to the Rajah, previous to Mr. Hastings' last visit to Benares in 1781.



On the 9th of July, 1778, the Board resolved,  
 “ That Rajah Cheyt Sing be required, in form, to  
 “ contribute his share of the burden of the present  
 “ war (with France) by the establishment of three re-  
 “ gular battalions of sepoy, to be raised and main-  
 “ tained *at his expence.*”

Notwithstanding this was, both in the *letter* and *spirit* of the former resolutions of the Council, a direct breach of the agreement, yet the Rajah quietly submitted himself, and authorised his vakeel to declare his acquiescence, *for one year only*, in the requisition of a subsidy, equal to the expence of three battalions of sepoy. This subsidy was accordingly fixed by the Board at five lacks of rupees; and the Governor General expressed himself pleased with the Rajah’s ready compliance, in a letter to him under date of the 15th of August; and on the 17th the Governor General and Council informed the Court of Directors, that the Rajah had agreed to pay this subsidy *for one year*. But on the Rajah’s pleading his inability to pay the whole sum at once, so little ceremony was used with him on the occasion, and so much were all former agreements forgotten, that, on the 28th of September, directions were given to the Resident, Mr. Graham, “ to wait  
 “ on the Rajah forthwith, and *demand of him*, in per-  
 “ son, and by writing, the payment of the full sum  
 “ of five lacks of Muchildar rupees, the sum at which  
 “ the subsidy is fixed, in specie, to that amount, to  
 “ be made to you within five days of such demand;  
 “ and declare to him, *in the name of this Government*,  
 “ that his *evading* or *neglecting* to accomplish the pay-  
 “ ment thereof, within that space of time, shall be  
 “ deemed equivalent to an absolute refusal; and in  
 “ case of his non-compliance with your demand, we  
 “ perem-

“ peremptorily enjoin you *to refrain from all farther intercourse with him.*”

The Rajah completed this payment by the 10th of October.

It must be remarked in this place, that though this extra demand was contrary to the existing engagements, yet as the Rajah consented to the payment thereof, *for one year only*, it was, in a measure, legalised. — And it really seemed at one time to have been the intention of Mr. Hastings to abide by this condition, as appears from the following circumstance: On the 5th of May, 1779, the Resident at Benares wrote to the Board, that being applied to by the Provincial Council of Revenue at Patna for eight lacks of rupees, on account of their very urgent necessities, he desired the Rajah to supply him with that sum, beyond the amount of what was then due. In their reply to the Resident on the 31st, the Board express their surprise at his “ having ventured to make a demand upon Rajah Cheyt Sing, *not warranted by his engagements with the Company,*” and without any authority from us.” The Resident’s answer of the 10th of June following is worthy of particular attention, “ At the time I mentioned to Rajah Cheyt Sing the sum of money Government stood in need of in their present occasions, I was well aware that I could neither, *consistent with your honourable Board’s orders, nor his engagements with the Company,* demand more of him than was thereby authorised; and therefore it was I only *demanded* payment of the amount of his kist due the 4th of May, and left it to his *discretion*, upon the information given, whether to *lend* farther assistance or *not.*”

Though the condition of his compliance with the demand of 1778 was, *that it should not be drawn into a precedent*, yet, on the 19th of July, 1779, the Rajah

was again required to contribute the farther sum of five lacks for the ensuing year; and on the 22d of June, 1780, five lacks more; and on the 2d of November following, he was required to furnish part of his cavalry.

On the 18th of July, the very day preceding the resolution of the Board to demand an additional five lacks for the year 1779, Mr. Hastings received a letter from the Rajah, saying, that his sole reliance was on him, “and that in every instance I depend on your *faith, religion, promises, and actions.*”

After he had come to the knowledge of this demand, the Rajah wrote to the Governor General as follows: “Last year you directed Sheik Ally Nuckey\* that I should, *by any means, by disposing of my effects, or by borrowing, make this one payment,* (alluding to the demand of 1778) *and I should not be called upon in future;* and that you would take every means for my advantage and support. I accordingly put in practice every method in my power, and, by loans, made good the requisition. It is now absolutely out of my power to raise the sum required; and I am therefore hopeful that you will be kindly pleased to excuse me the five lacks now demanded, *and that nothing may be demanded of me beyond the amount expressed in the pottab.*”

This letter was received on the 27th of August. On the 28th the Governor General replied to it; and, without taking the smallest notice of the Rajah having charged him *with a breach of promise*, he says, “I now repeat my demand, that you do, on the receipt of this, *without evasion or delay,* pay the five lacks of rupees into the hands of Mr. Thomas Graham, who has orders to receive it from you, and authority,

\* His vackeel.

“ in case of your refusal, to summon the two batta-  
 “ lions of sepoy, under the command of Major Ca-  
 “ mac, to Benares, that measures may be taken to  
 “ *oblige you to a compliance*; and, in this case, *the whole*  
 “ *expence of this corps from the time of its march will*  
 “ *fall on you.*”

The Rajah, notwithstanding the positive terms of the last-recited letter, was yet unwilling to believe, that the “*faith, religion, promises, and actions,*” on which he had placed so much dependence, would all of them prove of no avail. He accordingly addressed another letter to Mr. Hastings, which was received the 20th of September, and of which the following is a copy :

“ Every two or three days I am called upon to pay  
 “ five lacks of rupees; your gracious letter on this  
 “ subject, honoured me by its arrival; I have dis-  
 “ patched an arzce in answer, which will have been  
 “ presented to you. In obedience to your order, I last  
 “ year, by every means, and borrowing from all quar-  
 “ ters, raised the sum; and at that time *you promised*  
 “ *that it should not happen again.* I have it not in my  
 “ power at present. You have before honoured me  
 “ with the title of son, and, regarding me as your  
 “ son, you have protected me; I am therefore hope-  
 “ ful, *that I may be excused from this requisition.*”

Here the Governor General is again charged *with a direct breach of promise to the Rajah.* Mr. Hastings replied to this on the 25th, repeating the threat of sending troops into his country, but taking no notice as before, of the repeated charge of having broken his word with the Rajah.

Thus upon the Rajah's declaring his inability to comply with the demand of 1779, and pleading the *promise of exemption*, two battalions of sepoy were or-

dered to march to Benares, to intimidate him ; and the Board insisted on his paying the expence of the troops thus sent to second their demand. And on their requiring the balance of the subsidy in October 1780, the Governor General and Council, not only again ordered troops to march into his territories, *but they threatened him with a fine of one lack for disobedience.*

Whoever seriously considers the agreement made between Cheyt Sing and the Vizier in 1770 ; the nature of the subsequent connection between the Rajah, the Vizier, and the Company, formed in 1773, as before described ; the force of the minutes and resolutions of the Board upon the sovereignty of Benares, being transferred to the Company, as above recited ; the solemn declarations which were made to the Rajah on his investiture, as contained in the instructions to the Resident at his Court, and in the Governor General's letter to him upon that occasion, which have been already referred to ; the line of policy which the Bengal government had prescribed to itself ; and the general tenure by which Cheyt Sing held his country.—Whoever seriously considers all these points, with their relation to each other, must be convinced, that the various demands thus made upon the Rajah were not founded in *justice* ; nor are they to be defended by any arguments drawn from the wants and necessities of a government involved in difficulties, or the reputed wealth and prosperity of the Rajah.

Obliging the Rajah to pay an additional subsidy of five lacks for the expence of three battalions of sepoy, could only be justified upon the plea, that by the original agreement he was to maintain a body of 2000 horse. But it has been shewn, that the Board refused to assent to this proposition ; they left it entirely *optional* in the Rajah ; and if, at any time, they needed  
the

the assistance of this force, he was to be paid at the rate of fifteen rupees per month, per man; and so in proportion for the officers, during the time they might be in the Company's employ.

One of the members of the Board (Mr. Francis) declares, in his minute of the 14th of September 1778, " That he did, from the first, express a doubt, " whether the Board had strictly a right to increase " their demands upon the Rajah, beyond the terms " which they originally agreed to give him, which " he consented to, and which, as Mr. Francis " has constantly understood it, were made *the fundamental tenure by which he held his zemindary*. If " such demands can be increased upon him at the " discretion of the superior power, *he has no rights, " he has no property, or at least he has no security " for either*. Instead of five lacks, *let us demand " fifty*: and whether he *refuses*, or is *unable* to pay " the money, the forfeiture of his zemindary may " be the immediate consequence of it, unless he " can find means to redeem himself by a new " Treaty."

There was but too much of a prophetic spirit in this minute of Mr. Francis; for notwithstanding in the credentials given to the Governor General in Council (consisting only of himself and Mr. Wheeler) the 3d July 1781, previous to his setting out on his intended journey to Benares, the Arrangements he was to make in that province, were to be "*consonant to the mutual " relation and actual engagements subsisting between the " Company and the Rajah*." It appears from the evidence of Mr. Wheeler, that Mr. Hastings had actually come to the secret resolution (for it is no where entered on the records) without the smallest regard to that relation, *and to those Engagements, of obtaining 40*

or 50 lacks of rupees from this very Rajah; and in case of his refusal, he determined “ either\* to remove him from his zemindary entirely, or, by taking immediate possession of all his forts, to obtain out of the treasure, deposited in them, the above sum for the Company.”

This† is farther corroborated by the affidavit of Major Palmer, the Governor General’s military secretary, with this additional circumstance; that by some means or other the Rajah, having heard of the Governor General’s intentions, *had made him an offer of 20 lacks of rupees for the public service*; “ but that he, the Governor General, *was resolved to insist upon the first-mentioned sum of 50 lacks of rupees*; and if the Rajah should absolutely refuse the demand, that he, the Governor General, *would deprive him of his zemindary, or transfer the sovereignty thereof to the Nabob Vizier.*”

It is said, that the “ Governor General thought the Rajah’s offences were such as to require early punishment; and as *his wealth was great, and the Company’s exigencies pressing*, it was thought a measure of policy and justice, to exact from him a large pecuniary mulct for their relief‡.”

But how different were Mr. Hastings’ ideas of policy and justice at a former period, which has been already referred to, when he would not suffer the Vizier to “ dispossess the Rajah of the forts of Luteefgur and Bidgygur, and take from him 10 lacks of rupees!” At that time the Governor General was convinced “ that the Rajah’s inheritance,

\* Vide Governor General’s printed Narrative, p. 13.

† Narrative, Appendix, 157.

‡ Narrative, page 13.

“ and perhaps his *life*, were no longer safe than while  
 “ he enjoyed the *Company's protection*, which (says the  
 “ Governor General) is his due by the *ties of justice*  
 “ and the obligations of *public faith*; and which  
 “ *policy* enjoins us to afford him ever most effec-  
 “ tually.”

Thus, in 1773, the natural sovereign of Rajah Cheyt Sing is prevented from taking from him two forts and 10 lacks of Rupees *above the stipulated rent*, through motives of *justice* and *policy*; and in 1781, after the sovereignty had been transferred, though with a reservation of the “ just rights of the Rajah ” under the former sovereign, *justice* and *policy* required, that his new sovereign should exact from him, 40 or 50 lacks of rupces *more than his rent*, or wrest from him the *whole of his zemindary* !

If *justice* and *policy* were to be the guide of Mr. Hastings' actions upon this occasion, they ought to have operated more strongly than ever in the Rajah's *favour*. As to the first, were we not bound to him by additional obligations? And as to the last, it was surely become more our interest to cement his attachment by gentle treatment, than when he was only an *ally*. For in his new situation, had he been, on any future rupture with the Nabob of Oude, from ill usage, induced to take part against us, we should not only have lost the benefit of his alliance, but also a clear annual revenue of upwards of £.260,000 *per annum*.

But wherein did the Rajah's *delinquency* consist? Not in his want of punctuality in the payment of his tribute; this has never been affirmed. It must consist, then, in his not complying with the repeated demands of the Board for a subsidy, contrary to the existing engagements. Let it be admitted that the Rajah discharged these with that reluctance which ever at-  
 tends



tends the liquidation of unwarrantable demands, yet there was nothing due on any of these new demands for months preceding the Governor General's journey to Benares.

The demand of 1778, was made in July, and wholly discharged by the 10th of October.

That of 1779, was likewise made in July, and discharged by the 21st of October; and in November the Rajah, paid 20,000 rupees for the expence of the detachment *sent to enforce this demand.*

The demand of 1780 was discharged by the 18th of October; and whoever reads the charges brought against the Rajah, as contained in the Governor General's first letter to him, after his arrival at Benares, which is printed in the narrative, must be convinced, that they were clearly refuted by the Rajah's answer.

As to the third resolution of the Court of Directors, it was merely a resolution of fact, founded on the proceedings of the Bengal government, in July, 1775, and went to shew the independency of the Rajah's situation. The following passage, therefore, in the Governor General's letter, seems utterly unintelligible.

“ I deny that I ever required him to keep up a body  
 “ of 2000 horse, contrary to the declaration made to  
 “ him by the Governor General and Council, on the  
 “ 5th of July 1775, that there shall be no obligation  
 “ on him to do it.”

It is equally unnecessary to remark on Mr. Hastings' denial, respecting the 4th resolution. This is likewise a resolution of fact, that the Rajah was regular in the payment of his tribute, and what is not denied by the Governor General. The Court have acknowledged the sovereignty of the Company over the  
 Rajah

Rajah in their 2d resolution. But, that the Governor General and Council had a right to issue any orders *in direct violation of the actual agreement subsisting with the Rajah*, no one who seriously considers the nature of that agreement, in all its circumstances, will venture to assert.

But with respect to the last resolution of the Court of Directors, every one must join issue with the Governor General, and agree, that from the premises which “ have been already established, in the former part of these observations, “ the terms *improper, unwarrantable, and highly impolitic*, are much too gentle. *The strict performance of solemn engagements on one part, followed by acts directly subversive of them, and by total dispossession on the other, stamps on the perpetrators of the latter, the guilt of the greatest possible violation of faith and justice.*”

The observations on what has fallen from Mr. Hastings, respecting the resolution of the Court of Directors last spoken of, must not be dismissed without a remark on the following passage in the Governor General's letter :

“ I deny that Rajah Cheyt Sing was a native Prince of India. Cheyt Sing is the son of a collector of the revenue of that province, which his arts, and the misfortunes of his master, enabled him to convert to a permanent and hereditary possession.”

Though it is no where asserted in the resolutions of the Court of Directors, that Cheyt Sing was a native Prince of India, yet it may not be improper to observe, that, with regard to Cheyt Sing's predecessor, Bulwant Sing, who is here called “ *a collector*,” it has already been shewn, that for the powerful military assistance which he afforded the Company in the war with Sujah Dowlah, Mr. Hastings was, in 1773, em-

powered to renew, in behalf of Rajah Cheyt Sing, the stipulation which was formerly made with the Vizier in favour of the father. And in a letter from Rajah Shitabroy, which is entered upon the Bengal consultation of the 21st of November, 1764, Bulwant Sing is called, a “ *person of high rank, and the zemindar of a frontier country.*”

With respect to Cheyt Sing, Mr. Hastings himself has called the zemindary “ *his inheritance.*” In the instrument printed by the Governor General, 15th of April, 1776, he is termed, “ *the great chief Rajah Cheyt Sing Behadre.*” By the instructions to the Resident at Benares, of the 24th of August, 1775, he was to be invested “ *with a kellaout in his palace, with all the usual formalities.*” And by the Resident’s account of this matter, the ceremony was performed in all the parade of eastern magnificence. But here another, and a more striking circumstance, may be added in proof of the Rajah’s elevated situation. On the 24th of November, 1775, Lieutenant-colonel Parker, who had the command of a brigade in the neighbourhood of Benares, acquainted General Clavering, that the Rajah had paid him a visit, and had made him presents, which, says he, “ *I did not reject, as it would be looked upon as the greatest slight I could offer to an eastern Prince.*” This letter was laid before the Council on the 6th of December. And so far was Mr. Hastings from being disposed, at that time, to dispute the rank which Mr. Parker thought he had among the Princes of Hindostan, that he immediately gave it as his opinion, “ *That neither the Rajah ought to have made the presents, nor Colonel Parker accepted them, because they were the pledges and marks of inferiority of the giver to the receiver; and I think it will become both the justice and dig-*

*nity*

“ nity of this Board, to lay down such rules as shall  
 “ prevent the Rajah hereafter from subjecting him-  
 “ self, or being subjected to ceremonies *unbecoming his*  
 “ *rank and character.*” Upon which the Board re-  
 “ solved, that the Rajah should pay the first visit to  
 none but the Governor General, the Chief Justice, and  
 the members of the Board.

Such as are still doubtful of Cheyt Sing’s elevated  
 station, are referred to the 33d and 34th pages of Mr.  
 Hastings’ printed letter, where there is as strong an  
 implication of his princely rank, as it is possible for  
 words to convey.

With the same view of lowering, in the eyes of the  
 public, the real standard of Cheyt Sing’s situation, the  
 Governor General says, in his printed narrative, “ I  
 “ suspect that the deeds which passed between him and  
 “ the Board, on the transfer of the zemindary to the  
 “ Company in 1775, are by many understood to bear  
 “ the quality and force of *a treaty of optional conditions*  
 “ between equal states. To such I reply, that such  
 “ an opinion is itself criminal to the state of which he  
 “ was a subject; and that he was himself amenable to  
 “ its justice, if he countenanced the belief. He paid  
 “ *no tribute* to the Company, but a fixed annual *rent*.  
 “ And the instruments for his zemindary were drawn  
 “ *precisely* in the same form as instruments of the same  
 “ denominations interchanged with the *zemindars of*  
 “ *Bengal.*”

As to the annual sum which the Rajah was to pay on  
 account of his zemindary not being to be considered in  
 the light of a tribute, it is termed so, with very few ex-  
 ceptions, from one end of the records to the other; in  
 most of the letters from the Council to the Court of  
 Directors, which speak of the subject, and even in the

Governor General's own letter to the Rajah on his investiture.

With regard to his being looked upon as a mere *zemindar*, the Resident at the Court of the Vizier, in a letter written to the Board the 14th of April, 1775, which was previous to the sovereignty of Benares being vested in the Company, declared to his Excellency, "That he must expect to see Cheyt Sing protected; for that he was not to be put *on a footing with his other zemindars.*" And in a letter from the Board to the Resident at Benares, the 30th of May, 1776, it is acknowledged, "That he is on *a very different footing* from other zemindars."

But a perusal of the following minute of the Board will put the matter beyond dispute.

*Consultation, September 4, 1775.*

"The Secretary informs the Board, that the sunds for the Rajah Cheyt Sing being prepared, he circulated the following proposal of the Governor General for their opinion :

"The Governor General directs me to request the opinion of the Board, whether the pottah, funnud, and coulnama, for the zemindary granted to Rajah Cheyt Sing, should be signed by him alone, or by the Board; remarking, at the same time, that it has been customary for *duanny sunnuds* to receive only the signature of the Governor; but he thinks, that as the *nature* of the present grant is *different*, and may be considered more in the light of a TREATY, they should be signed by the Board."

"Agreed, that the funnud, pottah, and coulnama, be now signed, and transmitted to Mr. Francis Fowke."

But to sum up the whole in a few words : — In 1765 Bulwant Sing, on account of military services rendered

to the Company, was, through their means, secured in the possession of his country. In 1770 Cheyt Sing, his son and successor, was confirmed in the government of his father's territories, on paying a fixed tribute, by a treaty executed by the Vizier, declaring the terms of it to extend to the *posterity of either party*; under which treaty Mr. Hastings, from motives of justice and policy, would not suffer the Vizier to take from the Rajah more than the stipulated sum. In 1773 the former agreement was renewed between the parties, which, as before, was to extend to *their respective heirs*. To this agreement Mr. Hastings, on the part of the British Government, was the guarantee. In 1775 the sovereignty of Benares was transferred to the Company; and with a reservation of the just rights of the Rajah, and a due regard to the actual engagements subsisting with him, new sunnuds were issued in consequence of sundry resolutions of the Bengal Council, adopted with a view to the Rajah's independency, thereby establishing a strong barrier to the Company's provinces. Assurances were at the same time given to the Rajah, that no demands of any kind should be made upon him beyond his tribute, and that no one should be suffered to disturb the peace of his country. In 1778, regardless of former assurances, and in direct opposition to the established policy, an additional demand was made upon him of five lacks of rupees, on account of the war with France. In 1779, notwithstanding his consent was for one year only, and his insisting that he had a promise from Mr. Hastings, that it should not be repeated, and which was not contradicted by him, another demand was made for five lacks more, and troops were ordered into his territories to enforce this demand; the expence of which he was obliged to defray. In 1780 the demand was repeated; and notwithstanding the Rajah

had

had actually discharged all these extra demands, and was ever punctual in the payment of his settled tribute; yet in 1781 Mr. Hastings repaired to his capital, with an avowed intention to exact from him the enormous sum of fifty lacks of rupees, (though the Rajah, hearing of his intention, had previously made him an offer of twenty lacks,) and in case of his refusal, to dispossess him of his zemindary. He was arrested in his palace at Benares, a city held in the highest veneration throughout India. His own soldiers overpowered the party which guarded him, and in the confusion “ the Rajah “ found means to escape through a wicket, which “ opened to the river, and the banks being exceedingly “ steep in that place, he let himself down by turbans “ tied together, into a boat which was waiting for “ him, and conveyed him to the opposite shore\*.” Several actions afterwards took place between the troops of the Company and those of the Rajah; and his several forts, to which he had fled for protection, were successively captured by our forces. And as (according to Mr. Hastings) “ the existence of a fugitive chief in “ the wilds and mountains would be little regarded, “ *when he was expelled from the capital of his government,* “ *and the seat of his collections †;*” he was proscribed by public proclamation; the ‡ Rauge was conferred on the grandson of Rajah Bulwant Sing, by a daughter married to Bauboo Doorgbejey Sing, and the unfortunate Rajah Cheyt Sing (*a wretch § indeed!*) is now a wanderer in Hindostan!

It only remains to observe, on the conclusion of Mr. Hastings’ letter, where, in the same spirit of disobedience to the orders of the Company which has too long characterized his government, he declares his intended

\* Governor General’s narrative, page 24. † Ditto, page 46.  
‡ Ditto, page 51. § Vide Governor General’s Letter, page 33.

opposition to any directions which may be given him for the restoration of Rajah Cheyt Sing to the zemindary of Benares.

Whether such a measure be expedient or not, will probably be the subject of future consideration. And as the Company's affairs are now under the investigation of Parliament, it must be the wish of every one, that such regulations may be formed, and such fundamental principles established, for the future government of the Company, as will ensure to the natives of India, of all denominations, that security and happiness which they have a right to enjoy under the influence of the mild and equitable spirit of the British Government.

*Extract of Court's Letter to Bengal, dated the 28th of January, 1784.*

*Par. 7.* WE must not suffer the Governor General's letter, relative to our resolutions about Cheyt Sing, to be passed over in silence, wearing, as it does, the appearance of animadversions on the conduct of his superiors, not to be justified in his situation.

8. The Court of Directors have not only an undoubted right, but their duty calls upon them to condemn any measure that shall appear of a dangerous tendency; the conduct towards Cheyt Sing was, in their eye, liable to destroy *that* confidence so necessary to be preserved with the country powers; the Court therefore hoped, by their marked disapprobation, to prevent any steps of the like kind in future. After the resistance which the Rajah had made, no countenance could be  
consistently



consistently shewn him; nor was any measure for his restoration ever proposed. But whilst the Governor General remains subject to the orders of the Court of Directors, he is bound to yield to their decrees. Therefore as his letter, addressing them with such unguarded warmth, must carry with it the appearance of tending to resist those whom it is his duty to obey, we consider him in that respect to have been very blameable. However, we turn aside from this disagreeable subject, to express great approbation at the extraordinary exertions of our Governor General and Council to counteract the designs of our numerous enemies, and to furnish such large assistance and supplies for the Carnatic in its wasted and desolate condition. It is to the abilities of our Commander in Chief, whose loss we sincerely lament, aided by your vigilance and support, we owe the preservation of that country, as the powerful irruptions of Hyder, and the hostile measures of France, had disabled our Governor and Council of Fort St. George from defending the possessions of our ally, the Nabob of Arcot.

*To William Devaynes, Esq. Chairman of the Honourable  
the Court of Directors.*

S I R,

THE honourable Court of Directors, in their general letter to Bengal by the *Surprise*, dated the 16th of March, 1784, were pleased to express their desire that I should inform them of the periods when each sum of the presents, mentioned in my address of the 22d of May, 1782, was received, what were my motives for withholding the several receipts from the knowledge of the Council, or of the Court of Directors, and what were my reasons for taking bonds for part of these sums, and for paying other sums into the Treasury as deposits on my own account.

I have been kindly apprised, that the information required as above is yet expected from me. I hope that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is, that I was not at the Presidency when the *Surprise* arrived; and when I returned to it, my time and attention were so entirely engrossed, to the day of my final departure from it, by a variety of other more important occupations, of which, Sir, I may safely appeal to your testimony, grounded on the large portion, contributed by myself, of the volumes which compose our consultations of that period, that the submission which my respect would have enjoined me to pay to the command imposed on me, was lost to my recollection, perhaps from the stronger impression, which the first and distant perusal of it had left on my mind, that it was rather intended as a reprehension for something which had given offence in my report of the original transaction, than as expressive of any want of a farther elucidation of it.

I will now endeavour to reply to the different questions which have been stated to me in as explicit a manner as I am able. To such information as I can give, the honourable Court is fully entitled; and where that shall prove defective, I will point out the easy means by which it may be rendered more complete.

First, I believe I can affirm with certainty, that the several sums mentioned in the account transmitted with my letter above mentioned, were received at, or within a very few days of the dates which are prefixed to them in the account; but as this contains only the gross sums, and each of these was received in different payments, though at no great distance of time, I cannot therefore assign a greater degree of accuracy to the account. Perhaps the honourable Court will judge this

sufficient for any purpose to which their inquiry was directed ; but if it should not be so, I will beg leave to refer, for a more minute information, and for the means of making any investigation which they may think it proper to direct, respecting the particulars of this transaction, to Mr. Larkins, your accountant general, who was privy to every process of it, and possesses, as I believe, the original paper, which contained the only account that I ever kept of it. In this each receipt was, as I recollect, specifically inserted, with the name of the person by whom it was made ; and I shall write to him, to desire that he will furnish you with the paper itself, if it is still in being, and in his hands, or with whatever he can distinctly recollect concerning it.

For my motives for withholding the several receipts from the knowledge of the Council, or of the Court of Directors, and for taking bonds for part of these sums, and paying others into the Treasury as deposits on my own account, I have generally accounted in my letter to the Honourable the Court of Directors, of the 22d May 1782 ; namely, that “ I either “ chose to conceal the first receipts from public curiosity, by “ receiving bonds for the amount, or possibly acted without “ any studied design, which my memory at that distance of “ time could verify ; and that I did not think it worth my “ care to observe the same means with the rest.”—It will not be expected, that I should be able to give a more correct explanation of my intentions, after a lapse of three years, having declared at the time, that many particulars had escaped my remembrance : neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily, or with a strong probability follow them. I have said, that the three first sums of the account were paid into the Company’s treasury without passing through my hands : the second of these was forced into notice by its destination and application to the expence of a detachment, which was formed and employed against Madhejee Scindia, under the command of Lieutenant-colonel Carnac, as I particularly apprised the Court of Directors, in my letter of the 29th of December, 1780. The other two were certainly not intended, when I received them, to be made public, though intended for public service, and actually applied to it. The exigencies of the government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Wherever I could find allowable means of relieving those wants I eagerly seized them ; but neither could it occur to me as necessary to state on our proceedings every little aid which I could thus procure, nor do I know how I could have stated it, without appearing to court favour by an ostentation which I disdained, nor without the chance of exciting the jealousy of my colleagues, by the constructive  
assertion

assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have laid an equal claim. I should have deemed it particularly dishonourable, to receive for my own use, money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them. I was therefore more than ordinarily cautious, to avoid the suspicion of it, which would scarcely have failed to light upon me, had I suffered the money to be brought directly to my own house, or to that of any person known to be in trust for me; for these reasons I caused it to be transported immediately to the treasury. There, I well know, Sir, it could not be received without being passed to some credit, and this could only be done by entering it as a loan or as a deposit; the first was the least liable to reflection, and therefore I had obviously recourse to it. Why the second sum was entered as a deposit, I am utterly ignorant; possibly it was done without any special direction from me; possibly because it was the simplest mode of entry, and therefore preferred, as the transaction itself did not require concealment, having been already avowed.

Although I am firmly persuaded that these were my sentiments on the occasion, yet I will not affirm that they were. Though I feel their impression as the remains of a series of thoughts retained on my memory, I am not certain that they may not have been produced by subsequent reflection on the principal fact, combining with it the probable motives of it. Of this I am certain, that it was my design originally to have concealed the receipt of all the sums, except the second, even from the knowledge of the Court of Directors. They had answered my purpose of public utility, and I had almost totally dismissed them from my remembrance. But when fortune threw a sum in my way, of a magnitude which could not be concealed, and the peculiar delicacy of my situation, at the time in which I received it, made me more circumspect of appearances, I chose to apprise my employers of it; which I did hastily and generally; hastily, perhaps to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of the sum of which I was in the receipt, but not in the full possession. I promised to acquaint them with the result as soon as I should be in possession of it; and in the performance of my promise, I thought it consistent with it, to add to the account all the former appropriations of the same kind; my good genius then suggesting to me, with a spirit of caution which might have spared me the trouble of this apology, had I universally attended to it, that if I had suppressed them, and they were afterwards known, I might be asked, what were my motives for withholding part

of

of these receipts from the knowledge of the Court of Directors, and informing them of the rest.

It being my wish to clear up every doubt upon this transaction, which either my own mind could suggest, or which may have been suggested by others, I beg leave to suppose another question, and to state the terms of it in my reply, by informing you, that the indorsement on the bonds was made about the period of my leaving the presidency, in the middle of the year 1781, in order to guard against their becoming a claim on the Company, as part of my estate, in the event of my death occurring in the course of the service on which I was then entering.

This, Sir, is the plain history of the transaction. I should be ashamed to request that you would communicate it to the honourable Court of Directors, whose time is too valuable for the intrusion of a subject so uninteresting, but that it is become a point of indispensable duty; I must therefore request the favour of you to lay it, at a convenient time, before them. In addressing it to you personally, I yield to my own feelings of the respect which is due to them as a body, and to the assurances which I derive from your experienced civilities, that you will kindly overlook the trouble imposed by it.

I have the honour to be,

S I R,

Your very humble and  
most obedient servant,

(Signed)

WARREN HASTINGS.

*Cheltenham, July 11, 1785.*

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# OBSERVATIONS

ON THE

LAST DEBATE

UPON THE

DEHLY NEGOCIATIONS,

AND, THE

PROPOSED IMPEACHMENT

OF

MR. HASTINGS.

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# OBSERVATIONS

ON THE

LAST DEBATE

UPON THE

DEHLY NEGOCIATIONS.

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**I**T has been a favourite doctrine of the Whig members of the present opposition, that the proceedings of parliament cannot be made too public, and it necessarily follows, that men out of doors may animadvert as freely as they please upon the conduct of any of the parties in the House, provided they do not violate that decorum which should be observed, when they expose to public view, the conduct of those, who once held high, and important offices in this kingdom.

It would lead me too far from the subject of the following sheets, were I to analyze the discordant parts of which the present opposition is



composed, or to hazard my conjectures as to the motives by which those men are actuated who now prosecute Mr. Hastings. That gentleman's cause has been very conveniently turned on former occasions to the purposes of party and faction in this kingdom, but not by his desire, or with his knowledge. Thus in the year 1776, when Lord North wished his removal, the Rockingham party, to a man, voted for his continuance in office. A fact which any gentleman may ascertain, by examining the names of those who balloted in 1776, in opposition to the thirteen directors who would then have removed him. In 1782, after Lord North had four times recommended Mr. Hastings to parliament for the office of Governor General, and the last time actually for ten years, the Rockingham party decreed his recall, and they fixed upon a curious way to effect it; it failed; and they grew more violent than ever: but their influence and power in the Marquis of Lansdown's administration forced the question on again, which again was defeated by the general voice of the proprietors and the public.

The next attempt, which had not merely the removal of Mr. Hastings for its object, was  
frustrated.

frustrated by the downfall of the ministry, at a moment when they appeared so strong as to laugh to scorn the opposition of the Sovereign, or his people. Here the struggle ended; Mr. Hastings resigned his government, even without waiting to hear that a successor was nominated, and before any was actually appointed. He arrived in England last summer, and found the two parties, who for years had been virulently abusing each other, and alternately censured or supported him, were united together, and determined upon his prosecution.

The intricacies of Indian details must, in the nature of things, be tedious and disgusting to the generality of people in England: but there are certain strong facts which speak to the good sense of mankind, and the following observations have been repeated a hundred different times, and by as many different men: Mr. Fox and Mr. Burke invariably attributed the calamities which have been brought upon this country, to the imbecility, indolence, corruption, and Tory principles of Lord North, and they were solemnly pledged again and again to impeach him. The very idea of a coalition with him, which was merely hinted at by Mr. Dundas, in March, 1782, drove them to madness.

Mr.

Mr. Fox's speech on that memorable occasion is before the public. Lord North on the other hand attributed all our misfortunes to the factious opposition which he had to contend with; but neither party have ever attempted to say, that the empire has not been dissevered; nor have they endeavoured to strike off one, from the one hundred millions of debt which we have contracted in the last ten years. Yet a love of power united these virulent opponents, an alliance which reason, common sense, and the people of England have universally condemned.

One fruit of that alliance is the prosecution of Mr. Hastings, who, so far from having brought loss, and disgrace, and ruin upon the empire, the charges made by Messrs. Fox, and Burke, against Lord North, has actually preserved whole and entire to Great Britain the brightest jewel in her crown; nay, he has done more, for during his government Great Britain conquered every settlement belonging to our European enemies on the Continent of Indostan, and restored them at the peace, to preserve our West India islands.—but I will not dwell longer on the inconsistency of Mr. Hastings's opponents.—The gentleman who stands most forward in this prosecution is Mr. Edmund Burke, though he has to this day

day made no charge, yet he has attempted to mislead the people of England by inflammatory speeches, and, unless he can prove a great deal indeed, perhaps all men may not say with Mr. Fox, that his character is *safe and on-shore*.

Mr. Burke has moved for a great variety of papers which were granted without hesitation. When however he asked for all the papers and documents relative to the Maratta peace, the Minister thought proper to reject the motion, and he deemed it consistent with justice, at the same time, to speak in the most expressive, and animated terms of the great merit of Mr. Hastings, in concluding that peace. The papers being refused, we were immediately told by the opposite party, that delinquency was openly protected; that if Mr. Burke could procure the papers, he would prove to demonstration that the faith of the nation had been grossly vitiated in the case of the Rana of Gohid, and many other Rajahs, but more particularly the Rana of Gohid. Here Mr. Burke was brought to a point. All the papers relative to the Rana of Gohid were granted him, and he was informed by Major Scott that Mr. Anderson, who negotiated the Maratta peace, was in London, and that Colonels Muer, and Popham, and Captain Scott, who had all served in Gohid, where also

in

in town. Upon this subject then the information will be full and complete, so anxious was Mr. Scott to bring it forward, that he has himself moved for the printing of all the papers relative to that subject.

The next material motion was, for the papers which explained the nature of Major Browne's negotiations at Dehly. These were peremptorily refused; and the subject but slightly touched upon. Here then was food enough for declamation. Mr. Burke declared that he was left with the threads and fragments of charges—that he had lost his right arm, &c.—Mr. Fox saw deeper. He boldly asserted that a compromise had been entered into between Mr. Hastings and the Ministry; and that it was determined to protect him. Very fortunately, however, Mr. Fox pushed the matter rather too far; and instead of leaving the business where it was, he determined again to agitate the question. It was argued last Friday, and we will now detail what has been proved incontrovertibly, to be the true state of the question.—On the part of Mr. Fox, Mr. Sheridan, and Lord North, who were the three speakers in favour of the motion, there was an infinite display of wit, humour, close logical reasoning, and

and ingenious deductions from assumed facts.— On the other side—Mr. Pitt distinctly and clearly proved, that not one of the assertions of Mr. Fox was founded in fact, as appeared by a reference to dates, and from the confession of Major Browne himself. From the documents read by Mr. Pitt, and from the particulars afterwards mentioned by Major Scott, to which we shall add two extracts of letters from Mr. Hastings to the Supreme Council, and to Mr. Wheler, we shall very clearly expose the prejudices and mistakes of opposition.

In the month of August, 1782, great unanimity prevailed in the Supreme Council of Bengal. The members were Mr. Hastings, Mr. Wheler, and Mr. Macpherson. Mr. Hastings at that period proposed to send a Minister to the court of Dehly.—Nuzeph Cawn, the King's Minister, had died a few months before. He drew up instructions for this Minister, and the Board read, and approved them. One article of these instructions was, that the Minister, Major Browne, should encourage, rather than discourage, any proposal that should be made by the King, or his Minister, for military assistance; but he was to conclude nothing without orders. Under these instructions he went from Calcutta, was delayed first in Owde, before he received

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passports,

passports, and afterwards in Agra; so that he did not reach Dehly till December 1783, by which time our political situation in India was very materially changed. When Major Browne was deputed, we were at war with the Marattas, Hyder Ally Cawn, the French, and the Dutch. But in December 1783, peace had been firmly established with all the powers except Tippoo Saheb, the successor of Hyder; and there were no doubts entertained of the conclusion of peace with him.

From August 1782, to the day Mr. Hastings left Calcutta, in February 1784, Major Scott has solemnly declared that he never once wrote to Major Browne, nor saw him, and that he at no time gave him instructions of any kind but his public instructions. Before Major Browne's letter of December 1783, which has given rise to so many ingenious surmises, was received in Calcutta, the subject of that letter, namely, an application for military assistance to the King, was regularly brought before the Council, and fully debated. Mr. Hastings was for giving assistance. The Council against it. And here it is necessary to observe, that not in this instance only, but in others, and the only one of great moment, Mr. Hastings was in a minority, that is, he stood singly, against Messrs. Wheler,

Wheler, Macpherson, and Stables, and had stood so since April 1783, and continued in a minority till a month before he returned to England. No information was sent to the King, or to Major Browne, of the Board's refusal to assist the King, either by Mr. Hastings or his Council; and this clears up a doubt of Lord North, who wondered why Mr. Browne should repeat, on the 30th of December, a proposition which had been negatived in October. Major Browne's so much talked-of letter arrived in Calcutta the 20th of January, and was circulated for the consideration of the Board. There it remained; and a few days after Mr. Hastings quitted Calcutta, and proceeded to Lucknow; nor does it appear that the Council ever took any further notice of it. The only remark made is, "That this letter do lie for consideration." Now it would be rather hard upon Mr. Hastings to make him accountable for the sentiments of his Council, who probably supposed, that, as they had actually determined, in October 1783, not to assist the King, it was needless to consider a letter from Major Browne, written two months later, on the same subject:—and here this proposal from the King and his Minister, Affrasiab Cawn, received its fate, against the opinion of Mr. Hastings.



That gentleman's deputation to Lucknow was a singular event. The circumstances which gave rise to it were these :—The Nabob Vizier, and his Minister, had sent repeated complaints to Calcutta of the conduct of Mr. Bristow, the British Resident at his court, and earnestly requested his recall. Mr. Hastings was for it—his Council against it. These disputes were serious in April 1783 ; but in December of the same year, they arrived to such an alarming height, that it became necessary either to give Mr. Bristow absolute power in Oude, and to degrade the Nabob Vizier, and his Minister ; or to recall Mr. Bristow. This was totally independent of every consideration of the truth, or falsehood of the complaints against Mr. Bristow. The Council determined upon Mr. Bristow's recall, Mr. Hastings assuming the whole responsibility of the measure, and pledging himself that the Company's balance should be paid by the Vizier. On the Vizier's invitation he was permitted to go to Oude in February 1784, expressly for the purposes of assisting his Excellency in the settlement of his country, and of recovering the Company's debt, which Mr. Fox struck off in England, and many in India pronounced to be irrecoverable. This is merely mentioned as it is in a degree connected with what is styled the Second Dehly Negotiation.

Negotiation. And here a doubt of Mr, Sheridan's can be cleared up. He stated with great ingenuity, that Mr. Hastings was not to command beyond the Vizier's dominions.

He drew up his own instructions, and inserted this clause himself, never asking, or wanting any power or authority beyond the Vizier's dominions; and his Council approved of them: so that the clause alluded to did not originate in any jealousy entertained by the Supreme Council of Mr. Hastings's designs in favour of the King. After Mr. Hastings's arrival at Lucknow, and when he was deeply engaged in financial arrangements with the Vizier and his Minister, the King's eldest son fled from Dehly to Lucknow. No remonstrances from Mr. Hastings or the Vizier could prevent his coming there. He wrote to the Governor-general, that, unless he would consent to receive him, he would throw himself at the door of his tent. No circumstance could be more distressing or unsuspected; but as he was determined to come, it was agreed by the Vizier and Mr. Hastings to receive him according to his rank. He applied for assistance.—Mr. Hastings stated his want of power to assist him, and wrote fully to the Council, who in reply enjoined him to avoid every measure that could commit the Company's

pany's arms, or their treasure beyond the Vizier's dominions. Here was no attempt from Mr. Hastings to assume an authority independant of his Council. He told the Prince he came to Lucknow with a limited authority, and that he believed his Council would be disinclined to assist the King, and this he said before he received their sentiments.

We now come to the second application from Major Browne to Mr. Hastings, which in a most extraordinary manner has been confounded with the first. When Major Browne wrote to Mr. Hastings on the 30th of December, 1783, for military assistance, it was in consequence of his conversation with the King and his public Minister Affrasiab Cawn; but when Major Browne came from the King to Mr. Hastings, in May 1784, he was charged in behalf of the King, to implore the assistance of our government against his Minister, Affrasiab Cawn, who had confined his confidential Minister Mudjud, ul Dowlah. As far as this statement in the house tended to raise a laugh at Mr. Jenkinson's expence, or to bring to our recollection the situation of his Majesty under the late administration, we do not think it worth notice, but

but Mr. Hastings treated the application so seriously, that, although he had every reason to believe his Council would not permit him to assist the King he thought it his duty to apply to them in the strongest terms upon the subject.

He conceived a very slight interference of the British government would be sufficient to relieve the King essentially; and that there would be no necessity either to make use of their arms, or their treasure. Among other arguments is the following, “If the sentiments of our own sovereign, and the nation in general, can be gathered from many late and successive publications of very high authority, I apprehend that it will be expected of us as a duty, that we should yield to it.” And who that reads the seventh resolution of the House of Commons, of the 28th of May, 1782, can entertain a different opinion from Mr. Hastings?—In truth the difference between Mr. Hastings and the Council was this—He conceived the King might be assisted effectually, without danger or expence; and he was on a spot were he had a good opportunity of forming his judgment. His council differed from him in this opinion; they again refused the powers Mr. Hastings had asked, forbad him to adopt in his Negotiations

tions any measure, that might commit the Company's arms or their treasure, and nothing was done.—That Major Browne was the Minister of the government, and not of Mr. Hastings, is clear from the following expressions. In his letter to the Court of Directors of the 13th May, 1784, Mr. Hastings there says, “Major Browne, who is your Minister at the Court of Dehly, left it the 2d instant, by the King's command.” To Mr. Wheler, who was at the head of the government of Calcutta, during Mr. Hastings' deputation, he writes, on the 9th of June, 1784, “If we meant to withhold *all interference* from the concerns of the King, we ought not to have appointed a public Minister to his court.—The board appointed Major Browne; it was an act of the most complete authority; for it passed while the members of the board were in entire confidence and good humour with each other, and all their judgments were concerned in it.—“Yet if it shall be resolved to leave the King entirely to his destiny, I shall not of my own authority send back Major Browne, nor advise the board to continue his commission.”—That Major Browne was the public Minister of the government of Bengal, we have proved. That he acted under his public instructions, and no other, we have the most solemn assurance of Mr. Hastings, and of  
Major

Major Browne, in a letter written to Mr. Macpherson the present Governor-general, by Major Browne himself, after Mr. Hastings' departure.—That if Major Browne was not removed, for having gone beyond his instructions in his negotiations with the King, as detailed in his letter of the 30th December, 1783, cannot be the fault of Mr. Hastings, since he left Calcutta, very soon after that letter was received, and communicated to the Board, who ordered it “to lie for consideration,” and never did, as we know of, consider it from that day to this, probably for the very reason we have already assigned, namely, “that they had determined on the subject of that letter two months before.”—Perhaps it did not occur to the Council, that Major Browne merited a public mark of disgrace and punishment.—He was directed to encourage rather than to discourage a proposition for granting military aid to the King.—Under this instruction he acted, and he writes, “We have offered, the Shah has accepted, and we are bound in honour to go on,” or words to this effect. The offer, and the acceptance, are very near what his instructions warranted, provided, as is certainly the case, the King knew Major Browne had not the power of concluding any thing:—and perhaps dismissal would have been too severe a

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punish-

punishment for Major Browne, who declared his opinion, that we were bound in honour to go on. But this is a point applicable to the Supreme Council only, and not to Mr. Hastings.

We shall quit this subject by stating the facts which arise from our observations, and all that has appeared fully authenticated in this subject.

1. That Major Browne was, in August 1782, appointed the British Minister at the court of the Mogul,

2. That Mr. Hastings drew up his instructions, and submitted them to the Council, who read and approved them; and from that moment they became the Board's instructions.

3. That Mr. Hastings never gave him any other instructions but these above mentioned; that he never saw him, or wrote to him, from August 1782 till after his (Mr. Hastings's) departure from Calcutta in February 1784.

4. That Major Browne met with many delays and obstructions; first, waiting for passports in Owde, and afterwards at Agra, and did not reach Dehly till December 1783.

5. That in consequence of letters from the King, and his minister Affrasiab Cawn, soliciting military assistance, this subject was debated in October 1783; that Mr. Hastings was for granting the assistance required, but his Council were against it, and of course the business was dropped.

6. That at this period, and even from April 1783, Mr. Hastings was in a minority, and continued so till just before he quitted India in February 1785.

7. That Major Browne's letter of the 30th of December 1783, with these words, "We have offered, the Shah has accepted;" was received in Calcutta by Mr. Hastings the 20th of January 1784, and immediately communicated to the Council, who ordered it to lie for consideration; that Mr. Hastings left Calcutta the following month.

8. That it does not appear the Council did, at any future period, take up, or pass any orders upon the subject of that letter.

9. That Mr. Hastings went to Lucknow for the express purposes of assisting the Vizir in the



settlement of his country, and for the recovery of the debt due to the company; that he submitted to the Board this instruction drawn up by himself; that he was to have a power over the army, but not beyond the province of Owde; and that the Council approved of this instruction, by which means it became an act of government.

10. That Mr. Hastings did recover a considerable part of the balance due to the company by the Vizir; that he fixed funds for securing the remainder; which late experience has proved were amply sufficient; and that he restored order and tranquillity to the Vizir's dominions.

11. That in April 1784 the Prince Yehander Shah, the King's eldest son, fled from Dehly; and, notwithstanding the remonstrances of the Vizir and Mr. Hastings, proceeded to Lucknow, where, as they could not prevent his progress, he was received with the honours due to his rank.

12. That Mr. Hastings assured the Prince his powers were limited, and that he could not assist him.

13. That

13. That the latter end of May, Major Browne arrived at Lucknow, charged with an express request from the King to solicit Mr. Hastings's assistance against his public minister, Affrafiab Cawn, to whom he was in fact a prisoner at that time.

14. That Mr. Hastings having no separate authority, did immediately apply to the Council for power to assist the King, and urging every argument he could make use of to induce them to grant him such a power; that the Council peremptorily refused it, granting him a power to negotiate for the Prince's return, but restricting him from committing the arms and treasure of the Company, and nothing further was done.

15. That the Council never did order the recall of Major Browne, and they were the only power competent to remove him.

16. That in August 1784 Mr. Hastings left Lucknow, arrived in Calcutta in November, and embarked on board the Berrington in February 1785.

These facts are fixed beyond contradiction; but the subject has been carried beyond Mr. Hastings's

Hastings's departure from Bengal, and therefore we shall pursue it a little further. The gentlemen in opposition are not always aware of the absurdities in which they are about to involve themselves, when they declaim on a subject which they do but partially understand. Mr. Burke, on the former debate on this business, lamented the dreadful consequences that would follow from the Marattas having possession of the King's person. Does he not know that from April 1771 to April 1773 the King was their prisoner? and that unless we interfered, and would consent to afford him assistance, they, or the Sics, must possess his person, and the desolated country which ostensibly acknowledged his sway? But in the eagerness to criminate Mr. Hastings, that gentleman is first accused of attempting, by British influence, to make the King's situation happier than it had been for years; and then by a sudden turn, which men of superior genius only can take, he is pronounced highly criminal for not opposing, by force of arms, Sindia's attempt to possess himself of the King's person and authority. Experience has proved, however, and future experience will prove, that no bad consequences will result from the events that have happened. Madajee Sindia

has,

has, in the most public and satisfactory manner, disavowed his having authorized any application to our government for the tribute ; nor has there been any period in our history in India, which gave a fairer prospect to the duration of peace in that country. With Sindia we are connected by the strongest ties of interest ; and the alliance between our own government and Owde is too firmly established to be broken.

We cannot conclude this detail without remarking, that although Mr. Fox was not able to prove Mr. Hastings had, directly or indirectly, authorized Major Browne to go beyond the instructions which the Board had read and approved, yet he did make out, even by the acknowledgment and confession of Mr. Scott himself, that Mr. Hastings had received various letters from Major Browne, and that he did not lay these letters entire before the Board.

The fact is certainly true ; but full extracts were made from them, by Mr. Hastings's directions, and sent to the Board, by a gentleman now in England, accompanied by various remarks from Mr. Hastings, upon the political opinions which Major Browne had given,  
and

and which were combated by Mr. Hastings, as differing from his own sentiments.

The unhappy situation of the King has been a constant subject of remark in this country ; but we believe that his history is not generally known. Mr. Burke, in his printed speech of the 1st of December 1783, very unjustly blames the servants of the East India Company for the misfortunes which the King has suffered. They however are entirely free from blame. For years before Lord Clive returned to Bengal in 1765, the Mogul had been a wanderer throughout Indostan, not having, as he emphatically wrote to his lordship, a place whereon to lay his head. By the treaty of 1765, Corah and Allahabad, which were conquered by the British arms from the Vizier Sujah Dowlah, were to remain in the possession of the King, for the support of his dignity ; and to these provinces were added twenty-six lacks of rupees from the provinces of Bengal, Bahar, and Orissa, in consideration of our acquiring the duanee of those provinces. From 1765 to 1771 the King remained at Allahabad, and then, at the instigation of the Marattas, he proceeded to Dehly, where he became as much a dependant as he had been from his birth to the year 1765.

The Marattas forced from him *funnuds* for the provinces of Corah and Allahabad, and his Majesty peremptorily demanded his tribute. Mr. Hastings, who, precisely at this critical moment, arrived at Bengal, and had succeeded to the government, was to determine whether he would remit the tribute to the Mogul, for the use of the Marattas, and permit them to possess themselves of Corah and Allahabad, or withhold the former, and resist their attempts to acquire the latter by force. He and his Council determined to withhold the payment of the King's tribute, and to yield Corah and Allahabad to the Vizier, from whom we had conquered them, for a valuable consideration. The Company, in daily communication with the Minister of the Crown, then Lord North, warmly approved of Mr. Hastings's conduct in both these instances, and sent positive orders to Bengal, that no further payments were to be made to the King, but by their express directions.

From 1772 to the present hour, the unfortunate Shaw Allum has experienced various vicissitudes; sometimes an instrument in the hands of the Marattas, and at others, the servant of his Ministers: at times almost in want of necessaries. And such was the state of his family, from the invasion of Nadir Shaw, the

period from whence we may date the destruction of the Mogul empire, to the day the present King surrendered his person to General Carnac. It is a melancholy instance of the malignity of party, but a true one, that the men who have censured Mr. Hastings' for an act of political necessity—withholding the King's tribute and restoring Corah and Allahabad to the Vizier—should now attempt to fix criminality upon him, for feeling and expressing an anxious desire to relieve the King, when he conceived it could be done without injury to our own government.

We have now detected the fallacious reasoning of the opposition, for they made the subject a party question: and here it is impossible to avoid taking some notice of the inconsistency of Mr. Burke. Long before he could have heard a syllable of Major Browne's negotiations, he pledged himself to prove Mr. Hastings a most notorious delinquent; yet the moment he was refused these papers, he declared that the Minister had left him with the threads and fragments of charges. We shall pursue the subject no farther—from what we have already said, the public may form a tolerably accurate judgment of the consistency, and public virtue of Mr. Hastings's prosecutors.

We cannot pass without notice a singular conclusion drawn by Mr. Fox, and Mr. Sheridan, from the imperfect accounts which they had received of Major Browne's negotiations. That Mr. Fox, who has been twice a Minister in this country, should be more ignorant of the military system of India than an ensign of six months standing is indeed extraordinary. However parties may differ as to the merits of Mr. Hastings, no man disputes his talents.—How then could Mr. Fox conceive him capable of entertaining an idea of assuming independance in India, with the assistance of the King's unpaid rabble at Dehly, and six unofficered battalions of Sepoys.—The youngest officer in Calcutta would have told Mr. Fox, that our Bengal Sepoy regiments, though they came to the push of the bayonet with an equal number of old French regiments in the Carnatic, would in less than six months, be deprived of their spirit, and their discipline, if not commanded by our countrymen : and that six battalions, so situated, would be overmatched in a contest with six companies of Sepoys, under the command of British officers.



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**W**HEN the ambition of France openly threatened Europe with universal monarchy, the duke of Marlborough turned the tide of success, and, controlling fortune by the superiority of his genius, seemed to proceed, by a sure march, from fortress to fortress, to the gates of Paris. But in the midst of this career of prosperity and glory, that military ardour and high spirit of liberty, which had lately shone forth among all ranks and orders of men in England, was suddenly exchanged for a rooted aversion to war, an anxious desire of peace, and a superstitious dread concerning the

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safety

safety of the church. The public admiration was transferred from the Duke of Marlborough to Dr. Sacheverell; from the great protector of the liberties of Europe, to a despicable fire-brand of sedition. And while the English nation almost deified a pragmatistical priest, they seemed, in their undiscerning fury, to demand, as a victim at his altar, the very man who had raised the British name to the highest point of elevation. All our history is indeed full of transitions as quick, and of humours as unreasonable : but since the reign of Queen Anne to the present times, there was none to be found so much fitted to excite surprize, regret, and indignation, as the present persecution of the Governor General of Bengal, nearly akin to the Duke of Marlborough, in character, in situation, and in fate ; except that the Commander in Chief of the confederated armies amassed an enormous fortune ; in which circumstance, too, Mr. Hastings might have easily resembled him, if to preserve, secure, and improve the British dominions and influence in Asia had not been the predominant passion of his soul, as he conceived it to be the first duty of his station. But who can doubt, after the tranquillity enjoyed by some late culprits at the bar of the House of Commons,

Commons, and the solicitation of an interview with Major Scott on the part of a certain distinguished orator\*, that the prudential command of a great fortune, with the aid of less address  
than

\* This transaction was alluded to by Major Scott in his reply to Mr. Sheridan, which produced from Mr. Sheridan a very few words in answer: these went merely to imply, that Major Scott had acknowledged himself mistaken in his former account of the transaction. Major Scott may have a very good idea of Indian politics, but he has not shewn himself a match for his opponents in England in point of manœuvre. To prevent the world, however, from entertaining an idea that the mistake made by Major Scott did at all affect the purpose for which he has at any time alluded to this transaction, we shall give the fact as it is, and leave our readers to draw their own conclusions from it.

On the 17th of November at night, Mr. Sheridan paid a visit to a gentleman, who then lived in Berner's street, and was known to have taken a very active part in favor of Mr. Hastings, in whose family he had lived in India. This gentleman Mr. Sheridan had not visited before this night for several months, and the intimacy between them, though not broken off perhaps, had long been suspended. The express avowed purpose of this visit, was to talk over the affairs of Mr. Hastings, and it was agreed between this gentleman and Mr. Sheridan, that the former should call on the next morning upon Major Scott, to communicate what had passed, and Major Scott was to be desired to meet Mr. Sheridan at eleven o'clock that morning, at a third house. The communication made by the gentleman who



than Mr. Hastings is allowed to possess even by his enemies, might have easily diverted the arrows of reproach, and secured an undisturbed retreat from a life worn out in the service of the

visited Major Scott was, as he understood, that he came to him with the olive branch; that Mr. Hastings might come home with perfect security, with his half million, or whatever might be the amount of his fortune; that the ministers had strength enough to carry the India bill, but that they knew it would be opposed at the India House. The condition therefore required from Major Scott was, that the friends of Mr. Hastings would not join in the opposition to the bill. In reply to this communication, Major Scott at once said he would not meet Mr. Sheridan, but that he should go to the gallery of the House of Commons, where he should hear Mr. Fox himself: and he further told the gentleman who called upon him, in answer to some doubts that were expressed whether Mr. Hastings would come home when recalled, that all the world knew there had been a letter upon the table of the Court of Directors, since the month of September, in which he expressly desired them immediately to appoint a successor to the government of Bengal. The gentleman who waited upon Major Scott further told him, that, if the negotiation came to nothing, no notice was to be taken of any offer of the kind having been made. Mr. Fox made his famous speech on that day, the 18th of November, in which he grounded the necessity for his bill upon the mismanagement of Mr. Hastings, and said his whole proceeding was the proceeding of a man who had

drawn

the public, and full of activity, trouble, and danger? That engine of defence he neither possessed nor required. His own virtue was the shield which he opposed to the shafts of his  
adversaries,

drawn the sword, and thrown away the scabbard. The following morning, the 19th, Major Scott, and the friend who had called upon him, met again, when the latter clearly declared, that, after Mr. Fox's speech, Mr. Sheridan had no right to expect secrecy from either of them. The press was not idle; every paper teemed with gross and *anonymous* abuse of Mr. Hastings, with threats of vengeance, and now and then with something like a promise of favour, if the friends of Mr. Hastings would be less active. In answer to one of these paragraphs, Major Scott, not like a skulking assassin, who stabs in the dark, but openly, and with his name at full length to the assertion, publicly avowed, on the 27th of November, ten days after Mr. Sheridan had visited his friend, that he, Major Scott, "*rejected the offer of an act of oblivion for his principal, provided he would remain silent during the present attack upon the East India Company.*" This avowal, written before the Committee of Proprietors at the India House, and inserted in the Morning Chronicle, was never answered; nor was the gentleman whom Mr. Sheridan had visited, or Major Scott, taxed with a breach of secrecy.

In the month of March, 1786, two years and four months afterwards, Major Scott again alluded to the circumstance in the House of Commons. The allusion occasioned a meeting between Mr. Sheridan and the gentleman  
whom

adversaries, in whom disappointed hopes, as the world conjectures, converted affected indignation into real resentment. And the same magnanimity which disdains the compromises of conscious demerit will carry him triumphant through all his troubles.

The reasonings of his accusers, divested of all adventitious ornaments, bear a nearer re-

whom he had visited, and the consequence of that meeting was, a perfect agreement between Mr. Sheridan and that gentleman, that Major Scott had mistaken both the extent of the offer that was made, and the ground upon which it was made: but admitting the fact, as it must be admitted where two gentlemen only were present during a conversation, and agree exactly as to the particulars of it, what does the admission amount to? Not that Mr. Sheridan did not pay that gentleman a visit the night before the day on which Mr. Fox brought in his bill---not that Mr. Sheridan did not agree to meet Major Scott the next morning---not that Mr. Sheridan did not say Mr. Hastings might come home with security, &c. It merely went to this, Major Scott was mistaken, first, in believing that Mr. Sheridan's offer was made with the knowledge of Mr. Fox, and all the confidential men belonging to the Duke of Portland; and, secondly, he was mistaken in supposing that the condition required from him was that he and his friends should not oppose the India bill; whereas, in fact, all Mr. Sheridan wanted to know was this, whether the man who had written for a successor would come home, if recalled under Mr. Fox's Bill?

semblance

resemblance to the verbal disputes of logicians and casuists than the solid arguments of legislators and statesmen seriously concerned for the welfare of the republic. In the whole compass of morality there are two things principally to be considered: First, what are the sentiments and what the tenour of conduct that denominates one action, or course of actions, virtuous, and the contrary vicious? And, secondly, by what principle or law is virtue recommended and authorized, and vice stigmatized, and reprobated? Concerning the last of these questions, metaphysicians have differed, and will for ever continue to differ; but with regard to the first and most important, they are all of them very nearly, if not entirely agreed. If we examine all the writers on the law of nature, from Plato to Payley, we shall find, that whatever the theories are with which they set out, they all of them terminate in public utility and advantage. They assign, as the ultimate reason for every rule which they establish, the necessities and the convenience of mankind, and readily admit that the first and fundamental law in all political constitutions is the preservation of society\*.

On

\* The great and good Mr. Locke, the assertor of the rights, and the expositor of the nature of man, in what he

On the prospect of war in general, it has uniformly been the practice of all countries, on probable grounds of suspicion, of which the executive branch of the legislature always exercised the

writes on civil government, says, that “ Where the legislative and executive power are in distinct hands (as they are in all moderated monarchies and well-framed governments), there the good of the society requires that several things should be left to the direction of him that has the executive power: for the legislators not being able to foresee, and provide by laws, for all that may be useful to the community, the executor of the laws, having the power in his hands, has, by the common law of nature, a right to make use of it for the good of society in many cases where the municipal law has given no direction, till the legislature can be conveniently assembled to provide for it. Many things there are which the law can by no means provide for, and those must necessarily be left to the discretion of him that has the executive power in his hand, to be ordered by him as the public good and advantage shall require: nay, it is fit, that the laws themselves should in some cases give way to the executive power, or rather to this fundamental law of nature and government, that, as much as may be, all the members of the society are to be preserved: for since many accidents may happen wherein a strict and rigid observance of the law may do harm (as not to pull down an innocent man’s house to stop the fire when the next to it is burning), and a man may come some-  
times,

the prerogative of judging, to secure the persons of individuals thought to be disaffected to the state, by which great public calamities are prevented. On the same ground of public necessity, villages are destroyed, lest they should afford shelter to the enemy. It is true, that in such cases reparation is made to the inoffensive inhabitants: and accordingly reparation has been made, notwithstanding the indications of an hostile disposition to the English, on the part of the Princesses

“ times within the reach of the law, which makes no distinction of persons, by an action which may deserve reward and pardon. This power to act according to discretion for the public good, without the prescription of the law, and sometimes even against it, is that which is called prerogative, and, whilst employed for the benefit of the community, and suitably to the trusts and ends of government, is never questioned; for the people are very seldom or never scrupulous or nice in the point. He that will look into the history of England, will find that prerogative was always largest in the hands of our wisest and best princes; because the people, observing the whole tendency of their actions to be the public good, contested not what was done without law to that end: or if any human frailty or mistake (for princes are but men made as others) appeared in some small declinations from that end, yet it was visible that the main of their conduct tended to nothing but the care of the public.”

of Oude, by Mr. Hastings, as far as the resumption of their jaghires is concerned. A provision was made for replacing their income at the exact rate at which it had stood in their own estimate, while they held the jaghires, by making it the condition of the resumption, that they should receive a pension equal to the amount of those possessions, in equal monthly payments; and these, for the fullest security, were made payable from the produce of the Company's assignments. Has the British parliament, in which we find the men who held in their hands the reins of government, during that interesting conflict with so many nations whose afflicting consequences we all feel and deplore, and which has given birth to so many charges and so much re- crimination, has the British Ministry and Parliament in all cases made compensation to those who have suffered in the cause of England, as ample, as equal, as permanent and secure as that which the justice of Mr. Hastings has granted to the Princesses of Asia? The American Loyalists, on the very scene, braved the fury of prevailing rebellion with an intrepidity and constancy that reproached that timorous and temporizing policy in Administration, that indolence and infatuation  
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in the servants of the crown both by sea and land, and that cruel rage of faction, which impeded the wheels of a weak government, in more forcible strains than the most piteous complaints that could be poured forth before a generous people. But what pen or tongue can describe the calamities which attended, and the horrors which followed on the issue of their noble conflict? In what pathetic accents might not the inimitable eloquence of Sheridan and Burke represent the disconsolate widow, sitting in solitary places, mourning an husband slain, an infant lost\*! Or, if in the varying and sudden emotions incident to the impassioned soul, grief

“ \* She weepeth sore in the night, and her tears are on her  
 “ cheeks : among all her lovers there is none to comfort  
 “ her : all her friends have dealt treacherously with her,  
 “ they are become her enemies. She is in bitterness, when,  
 “ in the days of her affliction and of her miseries, she re-  
 “ membered the pleasant things she had in the days of old,  
 “ when her people fell into the hands of the enemy and  
 “ none did help her : when the comforter that should re-  
 “ lieve her soul is far from her ; when her children are de-  
 “ solate because the enemy prevailed ; when the children  
 “ and the sucklings swoon in the streets of the city, and say  
 “ to their mothers, where is corn and wine ? For they  
 “ swooned as the wounded in the streets of the city, and  
 “ their soul was poured forth into their mothers bosom.”



at the sorrows of our fellow subjects should be converted into indignation at the causes from whence they sprung, what field for invective to the thunder of Fox! and what profound silence in the listening senate! while he devotes to destruction the authors of such calamities, and in the heat of passion, which throws all artifice at a distance, almost confesses that the misfortunes of the Loyalists are not wholly owing to the errors and the selfish views of Administration.

Amidst such candour and sincerity of sentiment, as such a scene in the House of Commons would inspire, could not all the logical distinction of Mr. Pitt find some precedent or pretext for ranking the misconduct of Mr. Hastings, and the sufferings of women who have been reduced to the necessity of accepting a yearly pension from their son, instead of a landed estate; might not, I say, the subtlety of Mr. Pitt find, if he pleased, some reason for ranking the misconduct of Mr. Hastings, and the grievances of the Begums, in an order inferior to the enormities that disgraced different parties in the conduct of the American war, and the cruel calamities that afflicted and still afflict the loyal subjects of Great Britain across the Atlantic? Does the pittance allowed by Government as an indemnification

demnification to the Loyalists bear any proportion to the income continued to the Begums? Ladies secluded from the world in the recesses of a seraglio, and in whose hands political power and importance served only, by nourishing a spirit of ambition, to dissolve the ties of blood, and to embitter the fallen state of their family by domestic discord? Far different from theirs is the condition of the dispersed families of the Loyalists! Aged parents, accustomed to receive their kindred and friends with plenty and hospitality, now in the character of petitioners for some provision against the extremity of want for themselves and their children; and the tender sex struggling by every effort to unite that delicacy and dignity of sentiment in which they have been bred, with the means of self-preservation! While such objects, related to us by blood, by language, manners, and religion, by friendship ill-requited on our part, and fond confidence misplaced on theirs; while such objects present themselves to our view, whence all this gallantry to Bow Begum, and the women of the Haram of Sujah ul Dowlah?

In the relation that subsists between sovereigns and their subjects, if allegiance is implied on the one part, protection is presumed on the other.

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The Loyalists, therefore, if the affairs of state, even on the greatest emergency, are to be squared by the abstracted accuracy of eternal justice and truth, have an undoubted right to an absolute restitution of all they have lost, and reparation, as far as that is possible, for all they have suffered. But is it argued that full restitution as well as complete reparation to the unfortunate subjects of Britain in America is impossible? Then, it is admitted that political exigencies may not only suspend, but supersede the execution of justice. Under this conviction, then, let the candid mind judge of the conduct of Mr. Hastings respecting the Begums of Oude and the Rajah of Benares.

It is a matter of notoriety, that by the example and at the instigation of the Rajah Chait Sing, the Zemindar of Benares, the inhabitants of that district revolted from our government, and continued in a state of rebellion from the 22d of August to the 22d of September, 1781. During that short but important period in which Mr. Hastings was confined to the Fortress and Plain of Chunar, and in a situation which in the apprehension of many men portended certain destruction to himself and his small party, the Begums of Fyzabad united their authority and influence to extend and aggravate the difficulties of the English. Circular letters

letters were written to the Zemindars of Oude, inciting them to rebellion ; rewards were proclaimed for the heads of English officers and soldiers ; a general revolt ensued, of which their agents were the principal leaders; the two chief eunuchs and confidential servants of the younger Begum openly levied troops in the great square of the city, for the avowed service of Cheit Sing against the English, which were employed by the Rajah in his battles against us. These facts have been proved by the depositions of Lieutenant Colonel Hannay, Major John Macdonald, Captain John Gordon, and many other witnesses, taken before Sir Elijah Impey, at Lucnow and Chunar, within three months of the time in which the events had passed. These, with other facts, are urged by Mr. Hastings in defence not only of a general resumption of the estates, but also of the treasures in the possession of the Begums, at the request of their son and grandson, the Nabob Assoph ul Dowlah, to whom they belonged by the right of hereditary succession, and without the aid of which he could not fulfil his engagements to the East India Company, which were absolutely necessary, by supporting their, to maintain his own authority.

In opposition to the truth of these facts, the  
accusers

accusers of Mr. Hastings enter into a long and intricate train of reasonings, conjectures, imposing associations of ideas, witticisms, hyperbolic expressions, and even appeals to the majesty and justice of Heaven; shifting the ground on which the general issue of the question concerning the merit or the demerit of Mr. Hastings is to be rested, just as it suits their purpose.

1. At one time they demand legal evidence for the truth of what Mr. Hastings advances in his own vindication; and at another, when that evidence is adduced, they endeavour to turn the necessary steps by which it was obtained into ridicule, and to convert them into arguments of conscious guilt.

2. If the Governor reasons on the invariable principles of human nature, they decry vague conjecture, and are not satisfied with any arguments not founded on solid facts; if facts are produced, they affirm, that these could not have happened, as they appear to them to be contrary to the general principles of human nature.

3. They pervert even the sagacity of the Governor General to their purposes. They suspect and condemn him for acting from the convictions of his understanding, even when these were justified by subsequent events, and where the conduct to  
which

which they led was indispensably necessary to the salvation of the English power in Asia.

4. If he uses rigorous measures, he is censured; but if, towards the same persons in the same circumstances, he uses lenity and indulgence, he is also accused.

5. If he takes shelter in the general principles of jurisprudence, they object to general questions and considerations on a complicated subject; if he enters into a detail of facts, and shews that such was the state of affairs, that no other measures than those adopted could have restored and secured the public safety, they drag him from the field of battle into the monastic cell, array him in the habit of an Augustin Friar, and try him by laws which, though sublimated from a congeries of facts in the imaginations of metaphysicians, cannot in all cases be reduced to practice, consistently with the great ends of political society.

6. To all these instances of prejudice and egregious injustice they add the enormity of reducing to the measure of the British laws and constitution, the administration of a magistrate who had been sent in the name of his country to govern a people in sentiments, manners, and modes of life so different from our own, that our laws and customs are their abhorrence; in cir-

cumstances of unparalleled difficulty and danger, and at a time when the projects for the government of India, formed at home, were perpetually changing, and every packet from England to Bengal carried out orders, not only contradictory to preceding orders, but inconsistent with themselves, and the whole taken not severally, but in conjunction, impracticable.

These are the charges which I bring before the people at large against the accusers of Mr. Hastings; and on all of these I proceed farther to speak in their order.

Mr. Sheridan not only alledged that there was no legal evidence of the Princesses of Oude being in a state of rebellion, but that there were no fair presumptions of their delinquency, or that they entertained hostile designs against the English. To reports and hearsays, even in circumstances full of alarm, he paid no manner of regard. Now, if the chief magistrate or governor of a province is not justifiable in exerting the power committed to him for crushing the infancy of a rebellion before he has legal proofs of its existence, why does Mr. Sheridan attempt to throw odium and ridicule on the Governor General for doing that which he himself requires, and what the

the laws of England would have prescribed in any similar case? That is, using the best evidence that could be obtained, and giving it the best possible sanction. Can that be ridiculous which is wise and necessary? If it can, then ridicule is not a proof that the conduct of Mr. Hastings, in taking the evidence in question before the first British judge in India, was unnecessary: if it cannot, and that Mr. Sheridan shall contend that the conduct of Mr. Hastings and Sir Elijah Impey, in collecting evidence that a rebellion, though in its first stage, existed in the province of Oude, as well as in that of Benares, furnished real and genuine matter of ridicule, then was not their conduct necessary and proper; and a case may exist when the man in whose hands his country entrusts her distant and dearest interests, may act in discharge of his trust without observing legal forms. And, if this be so, it must be admitted, that, in proportion as Mr. Sheridan was successful in his endeavours, which in reality formed no inconsiderable portion of his speech, to throw ridicule on the Governor General and Chief Justice of British India, in that proportion exactly does he vindicate the conduct of Mr. Hastings; if, in over-awing and checking the beginning of commotion, he stepped beyond the



caution of an Attorney, and, assuming the freedom of an honest man, acted up to the character with which he was invested. In truth, it appears to the common sense of mankind, as it did to Mr. Hastings himself, that an excessive anxiety about *legal evidence*, in the circumstances in which *he* was destined to act, or his *country* to suffer, would indeed have justly seemed an object of ridicule. He did what a due regard to prudence on the one hand, and decorum on the other, naturally dictated to a firm and discerning mind. He authenticated his proofs before a British magistrate, and chiefly by British subjects. And here it is to be observed, that if Mr. Hastings had been conscious of any degree of guilt, or improper bias on his mind, he would naturally have been sedulous to heap proof upon proof of his innocence: dignity of mind would have shrunk before an apprehension of danger, and the anxiety of the criminal would have been a plentiful source of the darkest suspicions that could possibly spring up in an imagination fertile even to excess, and which can supply in abundance theories and conjectures to cover and protect whatever doctrine or fact he chuses to establish. The gentleman to whom I allude I firmly believe to be naturally humane, benevolent, and

just;

just; but the finest genius and the most generous disposition is not unusually found in conjunction with an irritability of temper which magnifies its object. And when once the will begins thus to influence the judgment, fertility of invention, instead of being a lamp of light, becomes an *ignis fatuus* that leads into error. It will never be forgotten, while the present impeachment shall remain on our records, that the apologist of *Powell* and *Bembridge* was the accuser of WARREN HASTINGS.

BUT to return to Mr. Sheridan. Was it natural, decorous, and proper, if he either believed that Mr. Hastings deserved bonds, imprisonment, or death, or hoped to make it appear that he did, to set the House at every turn of his reasoning into a roar of laughter, and to convert a criminal trial into a scene of amusement? However natural it may be for Mr. Sheridan to turn tragedy into comedy, it was as unfair as it was unnatural, to pour forth on the object of his arraignment at once the torrent of ridicule and of invective: for I fear that not a few of his audience bestowed, as a reward on his wit and humour, what they could not concede to the force of his arguments. The indecent plaudits heard at the conclusion of his humorous harangue,

rangue, disgraced the assembled senate ; though, indeed, they were fit enough expressions of that species of satisfaction which we derive from A SCHOOL FOR SCANDAL.

Very different from that *supplodio pedis* which was practised not by the orator, but the judges, was the deportment of the gallery, in which different individuals, when Mr. Pitt declared himself against Mr. Hastings, expressed their concern and surprize in involuntary exclamations, which of course incurred a rebuke from the Speaker. The spectators of what passed in the House below, were not so much touched with the humour of Mr. Sheridan, as with indignation that such talents should be mispent in such a cause.

There was nothing in the testimonies of different gentlemen in the service of the Company in favour of Mr. Hastings impossible, nothing inconsistent, nothing contradicted by opposite evidence : but it was alledged that what they affirmed was improbable, and that they were under the influence of Mr. Hastings, by whom they had either been obliged, or from whom they expected future favours. There was nothing advanced against the evidence in proof of the rebellious designs at Fyzabad that would be sustained as a bar to its validity in an ordinary court

court of justice. But certain country gentlemen, and others assembled in the House of Commons, under the auspices of a rector of an university \*, a very witty author for their principal, and a student from Cambridge for their *regius professor*, undertook to invalidate it on the moral principles of the human mind. They objected to general reasoning, and required positive proofs: positive proofs being brought, they return to general reasoning on the nature of man, and the motives that influence his conduct in different situations. Having returned a second time to this ground; on this ground, in the name of the God of Truth, let the dispute be decided.

It is not credible, say they, that an insurrection should be raised, or a war meditated against the English, whose power had been so recently and visibly displayed in dethroning or restoring princes, and exterminating nations, by two weak women secluded from the world in the inmost recesses of an Eastern seraglio. Is it then by bodily strength and personal prowess, as in the savage state of society, that either kings or queens wage war in Asia or in Europe? Was it of any consequence in the confederate war, whe-

\* Mr. Burke is or lately was rector of the university of Glasgow.

ther the Sovereign of Great Britain, or, in the last Turkish war, whether the Sovereign of Russia, was of the masculine or feminine gender? But the very circumstance of their deep retirement, and the delicacy of oriental manners, afforded a security to their persons, which did more than counterbalance the want of manly vigour. What opinion can our orators entertain of the understandings of those whom they thus angle and inveigle with the illusions of puerile fancy? It was not the sex, nor the age of the Begums that Mr. Hastings was to consider, but the numbers of men that were at their devotion; the prevalence and strength of the principle that might unite these in action; the resources that might enable them to elude our forces, to prolong the war, to take advantage of the favour, and to weary out by perseverance the adversity of fortune; and, above all, their disposition to revolt, and the circumstances that might encourage them to excite rebellion.

Whoever imagines that by all the mildness we have mixed, or that it is possible for us to mix with our tyranny over the natives and princes of Asia, we shall be able to gain their confidence and affection, is egregiously mistaken. Whatever aromatics we may infuse in their bitter cup,  
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the bitter taste will still so far prevail as to induce a strong desire of casting it from them whenever they can: and the greater the hope of being able to do so, the more ardent also will be the desire. It is a property in human nature, that any emotion which attends a passion is easily converted into its opposite, though in their natures they be originally different, and even contrary to each other. Fear and hope is able not only to inflame the desire of obtaining any particular object, but also to excite it against the person who with-holds it, or to heighten it where it was before-hand the predominant passion; agreeably to that saying of the poet Virgil, *spes addit ipsa timor.* To govern reduced provinces, especially such as are remote from the seat of government, by slackening the curb of power, and granting a few indulgences to a subjected people, imperious nations have always found to be difficult, and for the most part impossible. After what has so recently passed in America and in Ireland, we cannot be at a loss to judge of the effects of partial concession. Every degree of liberty indulged to men tends to produce at once a desire, and a sense of their natural right to enjoy it in its full extent.

Mr. Francis said, that it was through the old

Begum that the right of dominion and property in Oude descended, she being the daughter and only heir of the antient Soubah. This Princess, he added, was in fact, at least in right, the real Sovereign of Oude. She is allowed to be a woman of an high spirit; and her pride is naturally heightened by the recollection of her ancestry, and of former times; she, therefore, considered the English as the oppressors of her family, and the usurpers of its inheritance. The resentment which she naturally entertained against our nation, there was reason to dread, would be inflamed by the hope of gratification. She was not uninformed of the situation of affairs in the western world. The crowns of that monarch, whose power she had long equally dreaded and detested, seemed now to totter on his head; and that of America had already fallen. The French, the Spaniards, the Dutch, the three greatest maritime powers in the world next to ourselves, and whose strength was but too well known in the east, pressed with their united weight on the English, and the standard of revolt began to be raised in Benares. In such circumstances what confidence could Mr. Hastings repose in the attachment of the high-spirited Begum, or what in her numerous subjects? Mankind are governed  
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by opinion; and the opinion by which they are governed is two-fold: an opinion of interest, and an opinion of right. Ideas of right have an influence on the minds of men which have been found, in some instances, to prevail over those of interest. Hence in all nations, and in none more than in Great Britain, Chiefs have been found, who, in the full possession of their privileges and fortune, have flown to the standard of exiled princes, followed by bands of voluntary vassals. But in Asia, where the reverence to royal blood is stronger than in Europe, and where the oppressions of Europeans, compared with those the people suffer under their native princes, are greater; in Asia, where all ranks of men are divided against us by an opinion both of right and interest, and ready to start into a posture of hostility on every occasion where there is any prospect of success, and in circumstances so full of alarm, why should Mr. Hastings deem it incredible that the Princesses of Oude should join the general conspiracy of the world against Great Britain, or seek for theories by which he might reconcile hostile appearances with benevolent intentions? Is not our government over the natives of India, whatever palliatives we may apply or project, in reality despotic? Is not the



first principle of despotism, jealousy of its subjects? Was there no ground of jealousy, jealousy heightened beyond the pitch of its usual vigilance, in the circumstances in which the Governor General of Bengal was placed towards the close of the year 1781? If there was, is his country, which his services have so eminently contributed to save, to make no allowance for the force, for the violence with which reports of military preparations must have fallen on a mind anxious for the preservation of all that was committed to the exertion of its powers? On the one hand, it was at least probable that a revolt was begun in the province of Oude as well as in Benares, and more than probable that it was intended: on the other, it was possible that the reports concerning the orders and designs of the Begums might be false. In this dilemma, ye accusers of Mr. Hastings, what would ye have done? If his fears should prove to be groundless, and that, in seizing the resources of the Begum, he should commit an injury, that injury might afterwards be repaired; but if, on the presumption that their intentions, notwithstanding all appearances to the contrary, were pacific, he should forbear to act as he did, the empire of Great Britain in the East might be lost.

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In our wars with the House of Bourbon, have we not been accustomed, on the appearance of hostilities on the part of that kingdom, to anticipate an attack by making one? Is this conduct to be condemned? Are the ministers who followed it with success to be impeached, and those who, notwithstanding the communications from Lord Stormont when ambassador at Paris, neglected it to the disgrace of Britain, to be promoted and honoured? Was not the conduct of Mr. Hastings exactly in the spirit of the great Earl of Chatham? And whether are we to reprobate the memory of the father, or to approve the *legal policy* of the son; who, as if he were born to refute the doctrine that the qualities of the mind are hereditary as well as those of the body, condemns in Mr. Hastings what raised his progenitor to immortal honour?

It will not be said that the Earl of Chatham acted improperly, when, being apprehensive of the designs of Spain, by a sudden blow, he prevented their execution. Yet there was no overt act on the part of the Spaniards, no declaration of intended hostilities. What then is the circumstance, or what the circumstances of discrimination between the two cases of Lord Chatham and Mr. Hastings, which justify the conduct

duct of the former, and condemn that of the latter? It may be said, that the Begums of Oude were living under the protection of our friend and ally, or, to speak the truth, that they were in fact our subjects : and it also may be said, that the danger to which Great Britain was exposed from Spain, was greater than that which was threatened by the Begums. Besides these, there is no circumstance of distinction between the two cases of Chatham and Hastings, which can affect in the smallest degree the question at issue.

Though the Begums of Oude lived under the protection of our ally, and were in fact our subjects, they were divided from the English by all those circumstances of diversity which commonly prove the sources of animosity and contest among nations. Though overborne by superior power, the unconquerable will remained of shaking off the English yoke; and who, reasoning on the principles of the law of nature, will affirm that they had not a right to spurn it, if they could? The very circumstance of their subjection was a reason why we should be jealous of their endeavours to overturn it. There were more points of opposition between them and the British nation, than between the British nation and the Spaniards : and  
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their minds were at least equally hostile. What is the magic then, in the name of God, of their being our friends, allies, or subjects, that should supersede the propriety of considering what are their real inclinations, and what their power in all situations when vigilance becomes the first duty of a statesman, when jealousy becomes a virtue? The only question is, concerning the different degrees of the dangers which threatened Great Britain from the Spaniards in 1762, and from the Princes of India in 1781. And here an opportunity is presented of displaying the striking contrast between the glorious successes of the English arms in the former period, and the misfortunes which menaced our independence in the latter. But it is superfluous to dwell on so fertile a theme. For who that, dismissing the illusions of the imagination, yields to the conduct of his understanding, does not perceive the absurdity and injustice of applauding the vigour, promptitude, and prevention of the Earl of Chatham in times of national splendour unsullied by a cloud, and condemning the same qualities and a similar course of conduct in Mr Hastings, when condensing storms seemed ready to wreck the state on rocks and shoals, or overwhelm it in the troubled ocean? As to the comparative evidence on which an apprehension of hostilities

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on the part of the Spaniards, and on that of the Begums of Oude, was founded, there was no overt act of hostility, which Mr. Pitt declared to be necessary, in order to ascertain hostile intentions, that could be charged and proved against either. But both had made military preparations, reports in both cases had prevailed of hostile intentions, and in both the circumstances of the times were such as to render those reports highly credible. The reports in India which Mr. Sheridan treated as vague, fortunately for this country, made that impression on the mind of Mr. Hastings, which they were naturally fitted to make on a sound understanding and a resolute mind; and that impression was afterwards justified by evidence on oath before the chief British magistrate in India.

But the enemies of Mr. Hastings observe, that this evidence was posterior to the actions which pre-supposed them; and they contend that whatever pretensions Mr. Hastings may have to penetration, and however fortunate the measures he pursued, he did not act towards the Begums on legal evidence, even supposing the testimonies produced to have been unquestionable, which they deny. Suppose that Mr. Hastings had been placed in such a situation as to have over-heard a conversation involving rebellious designs, and fixing the  
measures

measures for carrying them into execution, between the Begums and their confidential servants, but that he was the only person in the world that ever had any reason to suspect such designs, or to be made acquainted with the measures proposed for effecting them; would he have acted in an unjustifiable manner, if he had frustrated their intentions by cutting off the means of fulfilling them? Mr. Hastings, from his knowledge of the country, the people, and the circumstances of the day and hour, must be allowed to have been a better judge of the credit due to the reports that prevailed of the designs of the Begums, than any person in Great Britain at the present moment, at so great a distance of space and time. It appeared by subsequent discoveries that he judged rightly. How ridiculous then is it to condemn him for acting according to the dictates of his understanding, when these were afterwards proved to have been wholly conformable to the truth?

But in order to weaken the evidence that was produced in proof that his convictions concerning the designs of the Begums were in fact conformable to the truth, the accusers of Mr. Hastings enter at great length into the situation of the witnesses, and the nature of their evidence. The witnesses, they say, were men on whom he had

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bestowed,

bestowed, or on whom he might bestow favours; or who, from whatever cause, were attached to his person. There, it must be owned, they have a field of objection to all the testimony that can be brought in vindication of his conduct: for the sublimity of his genius had gained an ascendancy over the understandings, and the generosity of his disposition, and the unassuming modesty of his manners, had won the hearts of all whom arrogance and rivalry had not rendered blind to his exalted talents and virtues, and indifferent, nay, inimical to the prosperity of their country, if it depended on his exertions, or was connected with his name. It may naturally be supposed, therefore, that as the British in India, in general, would be forward to bear testimony in favour of the Governor-General, so the few who might be otherwise disposed, would be willing to avoid a contrary conduct: yet the popularity of any Commander or Chief cannot certainly be urged as a legal objection to evidence in his favour, if that evidence bears no internal marks of falsehood. The facts alledged amount to a clear proof of both rebellious designs and actions, and the testimonies by which they are supported are sufficient both with regard to numbers and respectability. The slight difference between the  
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testimony of Sheikh Mahomed Aumeen Mheir, the second officer in the service of Cheit Sing, and that of Colonel Hannay, and the other English officers; the first, supposing the troops sent to the Rajah to have been sent from Lucnow, the last knowing them to have been sent from Fyzabad, but all agreeing that one thousand swordsmen were sent by orders of the Begums; the slight difference, I say, between these testimonies, disagreeing in an immaterial circumstance, but perfectly coinciding in the point for which they were produced, instead of invalidating, corroborates their joint evidence, as it is a clear proof that it was not preconcerted. But the grand objection to the vindication of Mr. Hastings, as written by himself, in what Mr. Sheridan calls his first and second Defences, is, that the chain of evidence is not brought up from the commandant in the service of Cheit Sing, and from Colonel Hannay and the other English officers, through every intermediate link, to the Begums issuing orders to their eunuchs in the recesses of the seraglio. Who told the Moorish Command<sup>r</sup>, it, and the English officers, that circular letters were written to the Zemindars of Oude, inciting them to rebellion; that rewards were proclaimed for the heads of



English officers, soldiers, and sepoy; and that all this was done in consequence of orders from the Begums? What Zemindar, Polygar, or Ryot? Specify his name and place of residence. Tell us precisely what he said, and where, and when. If not, we shall hold your evidence in favour of Mr. Hastings as careless, vague, irregular, irrelevant, and unsatisfactory. This is their great fortress. In this they triumph.

It has been observed above, that conscious rectitude is not curious about the means of self-justification, and that excessive anxiety about exculpation is not unnaturally construed into a symptom of guilt. Or, if the accusers of the Governor, when they touched on this point, happened to be in a merry vein, what a field, as Mr. Hastings very justly observes, for triumph and derision would he have afforded to his accuser, had he exhibited the names of unknown witnesses attested by Cauzees of uncertain existence! Might it not, too, have been very plausibly alledged, that the Governor General, in the plenitude of his power, was able to extort from individuals what declarations, and from the lawyers of the country whatever attestations he pleased? These considerations are sufficient

to

to account for the neglect on the part of Mr. Hastings and his friends to collect and record the names of the witnesses on whose testimony prompt measures were taken for quashing in good time the designs of the Begums of Oude. But, lest all these reasonings should prove unsatisfactory, and that the omitting to mention, or the concealment, if they please, of the names of the Zemindars who acquainted the servants of the Company with the designs of the Princesses, should foster injurious suspicions, Mr. Hastings and his friends, and all who are concerned to investigate the truth in this matter, may safely rest the issue of the whole cause on this question; Can a sufficient reason be given why the English officers in the evidence they gave before Sir Elijah Impey, should studiously conceal the names of the Zemindars from whom they received intelligence of what was transacted and intended in the province of Oude?

There is no person, however independent in fortune, that can bear to be shut out from the sympathy and society of his fellow-men. To be frowned on by every countenance, to be regarded with aversion and abhorrence by every eye, is a state of misery and despair from which there is not an human being who would not willingly take shelter

shelter in the silent grave: but he who should have held an estate or farm, or any possession in the province of Oude, and at the same time have appeared in character of an informer against the Begums, would have been exiled from the society and the affectionate regards of his fellow-men, and become an object of universal hatred and execration. Mr. Sheridan puts the question, Is it natural to suppose that the Zemindar, or native Hindoo of whatever denomination, should wish to have it concealed, that he had done a service to the Prince, his new master, and to the victorious and flourishing English? Would he not rather boast of his merits, and look for protection and reward? No. Constituted like other men, endowed with the common feelings of humanity, there is no reward which he would put in competition with a total exclusion from human society.—A reward of thirty thousand pounds was offered after the battle of Culloden, 1746, to the man that should deliver up or discover the Pretender, who wandered for many months in the Highlands and islands of Scotland; yet was there not found a man, among thousands struggling with poverty and want, who would relieve his sufferings by the price of blood. The Highlanders are an inoffensive, humane, and generous  
race

face of men; yet it is not to be supposed that there was not one among so great a number who would not have yielded to such a temptation, if he had not dreaded, as worse than poverty, or any evil from which wealth could secure him, the universal abhorrence of mankind. In London the reward would have operated on the minds of thousands, because in the obscurity of that immense capital thousands of wretches are to be found who can skulk from the face of their former acquaintance, and in new alleys and lanes escape the condemnation of their infamy. This was not the case in the Highlands of Scotland; nor yet in the Zemindaries of Oude. The Zemindar or Ryot who should have discovered any fact that might affect the fortune or the dignity of the Begums, if it had been known that he discovered it to his neighbours, would have found life insupportable; while, at the same time, various motives may be conceived that might have induced him to court the favour, and even to wish for the stability of the English Government. Is it any wonder, then, that the natives or subjects of Oude, who communicated intelligence of the rebellion to the English officers, should desire that their intelligence might be kept secret? Or is it a wonder that English officers should keep their plighted faith to the Zemindars

dars who committed their future happiness into their hands? It would seem, that no inconsiderable part of the accusation brought against Mr. Hastings, and those who acted with and under him, is founded on their very virtue.

As the good faith and humanity exercised towards the Zemindars and others, who gave intelligence, has been converted into a subject of suspicion, so also has the lenity and forbearance shewn to the eunuchs and confidential servants of the Begums, after the discovery of their treasures. The treasures discovered, says Mr. Sheridan, the eunuchs are set at liberty, and all persecution of their mistresses immediately ceases : Does this look like an inquiry into a preconcerted rebellion, or an act of deliberate rapacity? If Mr. Hastings had continued to press down the load of suffering, if the eunuchs had been thrown into dungeons, and outrages committed against the Begums, a court of inquisition instituted, and evidence invited, or even extorted; then would Mr. Hastings have escaped the imputation of interrupting severities the moment the end was obtained for which they had been applied; but he would have also forfeited the praise which is due to the magnanimous moderation of his conduct. “ Enough had been  
“ done

“ done for the restoration of the Nabob’s autho-  
 “ rity, and for the security of the peace of his  
 “ country; enough had been done for an exhibi-  
 “ tion of example.” It is unfair to judge of Mr.  
 Hastings’ actions taken singly and by themselves.  
 We ought to view them as they are performed in  
 succession, and combined to a salutary purpose.  
 Mr. Hastings consulted at once his own feelings  
 and the ends of his administration, when, with the  
 measures that he judged to be necessary for sup-  
 porting the authority of the Nabob, he united re-  
 spect for the sex and a regard to the necessities of  
 the mother and grandmother of our princely  
 ally. And, on the whole, let the world judge,  
 whether ever any Governor, viceroy, or prince,  
 who had so difficult a part to act as Mr. Hastings,  
 mingled greater respect to the feelings and rights  
 of human nature, with that system of conduct  
 which was necessary to maintain the authority of  
 Government. This, this is the grand and deci-  
 sive point on which Mr. Hastings ought to be  
 tried by his country, and on which he will be  
 tried, and justified too, if not by his country that  
 reaps the fruits of his faithful services, yet by the  
 common sense and justice of all civilized nations,  
 but by none more readily than that enlightened  
 people, whose inordinate ambition his measures  
 so effectually restrained.

This did not escape the shrewdness of Mr. Sheridan. It was therefore the consideration of this point, with which he set out in his artful, entertaining, and prolonged oration. Mr. Dempster had put some questions to the witnesses at the bar tending to ascertain that extremity of danger which was threatened by the long arrears due to the army. Mr. Sheridan animadverted on those questions with great rhetorical emotion, and contended that no political necessity whatever can vindicate an act of injustice. On the same and on other subjects Mr. Fox has at different times exclaimed in the House of Commons, *fiat justitia, ruat cælum*; a maxim which, as a writer of distinguished reputation justly observed, would be an absurd sacrifice of the end to the means. As matters of fact always exist before law, and laws are never so numerous as cases, new conjunctures must sometimes arise, in which it is absolutely necessary to act according to the supreme law of the general advantage. And the purest moralists as well as theologians, have concurred in opinion, that a case may exist in which it is even “expedient that one man should die for the people.” Even the Stoic philosophy, from an enthusiast in which Mr. Fox borrows, and Mr. Sheridan takes the occasional use of that glowing expression

just

just quoted, admits that the interest and the very life of an individual member may be justly sacrificed on certain emergencies for the good of that body of which he forms a part. Laws arise out of the mixed state of human affairs: human affairs, in their present stage, are not squared to the abstracted nicety of pre-existent laws. Mr. Sheridan and Mr. Fox would not be so great *Stoics* as to carry their doctrine into practice, if Providence should place them in a situation in which it would be necessary for them either to adhere to their maxim, or to ruin, not heaven and earth, but even that narrow spot called Great Britain.

*Vincit amor patriæ, laudumque immensa cupid.*

Supposing therefore, not granting, that there was not sufficient evidence to convict the Begums either of rebellious actions or designs, before an ordinary court of justice in ordinary cases, yet if the situation of affairs was such, that either the public safety must be ruined, or some sacrifice or other made for its preservation, it was the duty of Mr. Hastings to make such a sacrifice: and if there was an option of sacrifices, it was also his duty to fix on that which was the most effectual for obtaining its end, and which could be made with the least violation, or appearance of violation, of justice. But to resume the jaghires (an equi-



valent being intended), and to seize the treasures of the Begums, was the most effectual sacrifice that could be made. It was also that which could be made with the least violation, or appearance of violation, of justice; for there was at least a degree of probable evidence that those Begums entertained hostile designs against the English, and that they had even begun to carry them into execution: therefore, the measures taken by Mr. Hastings on the emergency in question, were, in all respects, the most proper that could have been possibly imagined. If they were improper, let the English nation restore their treasures to the Begums.

If in human nature there are qualities by which it is distinguished from the animal creation, men are themselves, in different climates, greatly diversified: and they not only find in their condition the sources of variance and dissension, but they appear to have in their minds the very seeds of animosity, and to embrace the occasions of mutual opposition with alacrity and pleasure; a constitution of nature, which, in the mysterious course of Providence, gives room for the exercise of the noblest virtues. From this diversity among the different nations there arises a diversity in the modes by which they are governed. One form of government suits one

one country, and one another. The governments in Asia are despotic, and it is by summary proceedings alone, and a strong arm, by which, in their present moral condition, they can be governed. To introduce new forms of government into nations, if practicable at all, is the work of time. Attempts were made to introduce liberty into Russia at once, but they proved abortive; and, in like manner, the steps that have been taken to introduce the English law into India have been attended with great confusion, and been productive of much inconvenience and mischief. It is found difficult to govern the Hindoos by our laws even in times of profound peace. What then was Mr. Hastings to do in times of infinite difficulty and danger? In proportion to the embarrassments of the English, the ideas and pretensions of the native princes of India naturally revived. The novelty and the odiousness of our institutions were more sensibly felt; the sanctions by which they were established were weakened; and all things seemed rapidly to revert to that situation in which we found India, when, under the pretence of being the treasurers and tax-gatherers of the Great Mogul, we extended our power over so many provinces of Asia. The British power in India was only of an artificial kind,

kind, the whole mass of numbers and opinion of right being against it. If the truth must be told, it was purely despotic, and depended for its efficacy on the principle of FEAR. Should the pressure and weight of Government be lessened, the fire, which was smothered only by that weight and pressure, must break out with an explosion fatal to the oppressors. The feeble, the partial, and varying attempts that had been made to establish a new order of affairs, had not formed such a strength of Government as could be depended on in a new and unprecedented situation, big with danger and final destruction. The artificial mounds by which we had sometimes endeavoured, and might yet propose to confine and lead the stream of popular opinion, would give way to that storm which was ready to fall, and restore all things to their usual and their deepest channel. It is justly observed by the Roman historian Sallust, that dominion is easily preserved by the same means through which it was gained. On the occasion of an extraordinary and alarming conjuncture in India, the Governor-General of Bengal reverted to the principles by which our dominion there had been both acquired and supported, and provided for the public safety by expedients, which, in times of tranquillity, and in European Governments,

vernments, might be deemed violent and irregular, but which, in the circumstances in which he was placed, were proper, because they were salutary.

If ever a case existed in which a ruler of a people might assume a latitude of conduct suitable to political exigences, Mr. Hastings is justifiable in the measures in question, by all that can justify an extraordinary step in an extraordinary situation: rectitude of intention; the wise adaption of the means to the end; and complete success. The measures he pursued were not pursued for his own emolument, (for Mr FRANCIS does not charge him with a spirit of private avarice and rapine,) but for the public safety. In resuming the jaghires, and seizing the treasures of the Begums, he consulted the public tranquillity, and by settling on those sequestered Princesses a yearly revenue in money, instead of land, he provided for their own. His administration has been crowned with glorious success: nor would a nation so generous as the English have been contented with merely abstaining from all criminations of so amiable a private, and so great a public character, if private resentment, indefatigable labour, and the utmost acuteness of understanding, had not combined to exhibit a malignant and partial view of his  
actions

actions in detail, instead of tracing the mutual connections and contemplating the result of the whole.

For of what, my countrymen, is Mr. Hastings accused? Not of snatching the morsel from him that is ready to faint: not of tearing the scanty vestment from shivering limbs: not of extorting by refined torments, like a Cortez or Pizarro, or some of our own nation, whose names the imagination of the reader will readily supply, hoarded treasures for swelling a private fortune; but, at the very worst, for saving an empire by irregular means. Who, henceforth, will nobly dare to break through the restraints that malice and cabal, armed with the chicanery of law, impose on every mind that is more anxious about self-interest than the public prosperity and safety? Shall it henceforth be necessary, for the conduct of our distant concerns, to send out the Judges of Westminster-hall, or his Majesty's Solicitor and Attorney-General? What is to be our situation in Asia, if our affairs are directed in that quarter of the world, not by the towering genius of Warren Hastings, but the creeping caution of Pepper Arden? In the successful, I will add, in the mild measures adopted by the Governor-General, was there ought repugnant to the spirit by which our dominions in India had been uniformly governed?

The

The conditions on which our territorial property in India was transferred to the East-India Company, were indeed plausible, but those conditions were not observed. The king of Delhi granted certain rights to the Company, on condition of their paying that tribute which he was unable to raise from the refractory Nabobs of the Mogul empire. But if he was unable to enforce his demands on the native Princes of India, he was still less able to enforce them on the Company, armed with the troops and the navies of Britain. The Company exacted the tribute from the Princes, but with-held it from the Emperor. They violated their engagements, and pursued a system of rapine. Nor let it be said that these were the acts of the Company only: the British Government were accomplices in their schemes; they defended them by their power, and they shared in the plunder. The East-India fair trade was hardly able to support itself. It was the territorial property, and the private fortunes acquired in India, that made this trade beneficial to the nation at large, and which alone enabled the Company to pay the annual sum stipulated with Government. It cannot be concealed that this was the real ground on which our affairs stood in India, and this the principle on which they were conducted. The

Governor General represented the Genius of Britannia in the East, which was not smiling and soft, but commanding and austere. If to maintain this tone was a crime, it was not the crime of him in whose person it centred, and by whose fidelity to his engagements it was displayed. No, my countrymen, it was not Mr. Hastings that was reduced to the necessity of over-awing by seasonable severities the rebellious designs of the Rajah of Benares and the Begums of Oude, and crushing in the bud a general revolt in India. It was our mismanagement and disasters in the West : it was our love of gain and ambition in the East : it was the combination of the world against us, that obliged the man in whose hands our safety was entrusted, to use the best means in his power for its preservation. It was said of old,

*Quod si violandum jus, regnandi causa violandum est.*

This maxim was not delivered in defence of cruel and wanton ambition. It imports, that, as political government is the greatest blessing of human society, it is to be preserved and maintained at all adventures. Every political grievance may be remedied by a nation while it possesses the force and spring of legislative authority :

but

but when that is lost, all is lost. Were the intentions of Great Britain, then, towards the natives of India humane and gracious? The light and temporary distresses of the Princesses of Oude was a cheap price for so great a purchase: for I assume it as a maxim, that, without that sacrifice, the power of Britain in India must have been annihilated. But this would not have happened without a struggle: so that the question that Mr. Hastings had under consideration was, Whether, when the fortune of Great Britain stood trembling on a precipice, and the strongest probabilities (if our lawyers impugn the denomination of *legal evidence*) existed, that the Begums of Oude had taken the first steps of revolt, whether he should follow the course he in fact pursued; or, by yielding to the inevitable necessity of a mutiny, or of disbanding the army, cut off the hopes of a political reform in India, by cutting off the power of England on which it depended, involve the whole country in anarchy and bloodshed, expose the English to the revenge of the natives, and render the final dissolution of our power in the East as violent and painful, as its first commencement was plausible, and its progress prosperous? In such a dilemma, could the rigour of justice, could the tenderness of mercy, condemn even such an expedient as that which was resorted to by the



Marquis of Fauquieres in the confederate war, in the reign of queen Ann? The Marquis was sent out, at the head of a party which was to pass in the night through a wood in deep silence, and to perform a service which required equal secrecy and expedition, and on the performance of which the very salvation of the French army depended. Towards the morning, but while it was yet dark, one of the men under his command began to cough violently, and could not by his utmost efforts suppress that irresistible convulsion. The commander sacrificed the life of one man to that of thousands\*. The French nation lamented the hard fate of the innocent man; but did not condemn the action of the general. Compare with this deed the conduct of Mr. Hastings in Oude, and the innocence, and even services of the French soldier, with the hostile intentions and preparations of the Begums; and say, if either, which was the most to be condemned?

In a critical and biographical introduction to an history of the reigns of King William and queen Ann, by Mr. Alexander Cunningham, the English Resident at Venice, just published, and which, I trust, will be read and studied by every man who is a friend to the liberty, who

\* See Fauquieres' Memoirs.

delights in recollecting the purest and most glorious times of our republic, and is disposed to watch the many-formed ambition of France : in the Introduction, I say, to that history, there is an anecdote recorded of the great Prince Eugene, which I submit to the consideration of the accusers of Mr. Hastings. At the battle of Malplaquet, while victory yet hung in suspense, a youth of the name of James Campbell (afterwards General Sir James Campbell, of Laurs), at the head of a party of horse, sprung forward out of the line, cut through the enemy, and even the Gens d'Armes of France, and through again to the confederate army. This daring action struck a panic in the French, inspired our men with courage, and decided the fate of the day. Certain officers of our army murmured against Campbell, and were severe in their censures of his conduct. But Eugene, who, as the writer of the Introduction observes, conceived that a conjuncture might exist wherein the transgression of rules might imply the highest degree of merit, thanked him for having so nobly and successfully exceeded his orders, on the day after the battle, at the head of the army. Is the power of France less now than it was then ? Is her ambition, though better concealed, less dangerous ? Is the merit

of

of Hastings less than that of Campbell? No! but an Eugene is wanting to proclaim his just praise in the face of his enemies.

But it was not only India that Mr. Hastings saved to the British empire. The conquests that were made there, by the valour of the British troops under his government, were exchanged, at the late peace, for other places, which, but for those conquests, must have remained in the hands of our enemies. Now, Mr. Fox, and others of his party, as Major Scott told them in their teeth without being contradicted, about two months before the peace was concluded, declared in the House of Commons, that without a peace of some kind or other this nation was undone. A peace as honourable and advantageous to Great Britain as her situation could possibly leave room to expect was concluded; and immediately Mr. Fox and his friends, who had so often devoted Lord North to the block, unite for the purpose of turning the man out of his office, by whom the peace was made. So that both the man who made the peace, and the man who, by the vigour of his administration in the East, enabled him to make it, without sacrificing our West India Islands captured by the French, are rewarded, the one with the loss of office, the other

other with an unprecedented and ridiculous, but vexatious persecution !---Never surely were services so ill requited as those of Mr. Hastings to this country. In private life he was the friend, and patron, and bountiful assistant of thousands, devolved by their friends on fortune and on his goodness. In his public character he saved India by the gentlest sacrifice that was ever yet made by prince or ruler in circumstances so full of alarm and danger : yet this is the man of whom Mr. Burke says, that “ it is indecent that  
“ he should be permitted to go about at large,  
“ enjoying the common benefits of liberty, fresh  
“ air, and social life.”

As I introduced these observations on the charges brought against Mr. Hastings by his enemies, and on the arguments by which they are supported, with a great name, to whose character and fortune those of that gentleman bear a striking resemblance ; so I shall, in like manner, conclude them, by remarking a similarity between his conduct, on his return from India, and that of another great spirit, when his fortune and fate were committed to the general opinion and determination of the English nation. “ While  
“ the succession was yet unsettled, King William  
“ entered into no intrigues either with the  
“ electors

“electors or the members of parliament; and  
 “so far was he from forming cabals with the  
 “leaders of parties, that he disdained even to  
 “bestow careffes on those whose assistance might  
 “be useful to him\*.” Admirals have lost opportunities, Generals have lost armies, and Commanders in Chief auspicious conjunctures and times never to be recalled; but they threw themselves into the scale of opposition, and were loaded with offices and honours. Mr. Hastings, the saviour of the nation, courts not the favour of any party, but looks confidently to the nation for justice. It might have become Administration, as well-wishers to the support of the British Government, to have shewn so much countenance at least to the cause of Mr. Hastings, as to have used their influence, which prevails so much in other matters, in order to obtain a patient hearing to the evidence and arguments urged by Mr. Burgefs, Mr. Nicholls, Major Scott, and others.

The little jealousy and cunning of the Minister of the day begin already to be generally suspected, and the motives which directed his voice against Mr. Hastings to be understood. I trust to the generosity of the English nation, that

\* Hume's History of England,

the meanness of that iniquitous policy will one day be made manifest; that it will lay the name with the power of that *cunning youth*, low in the dust, and serve as a foil to display the magnanimous virtue of Mr. Hastings, concerning whose praise no tongue or pen that describes the present, in any future times, shall be silent. Were it not that the example of his ill-requited merit may strike its roots too deep into the hearts of other commanders, and that the enemies of our country will triumph over us, I should almost rejoice that so great, so well regulated, and composed a mind as that of Mr. Hastings, has found, like the glorious objects of *antient ostracism*, in the persecution of his countrymen, the noblest theatre of virtue, and the loudest trumpet of fame. And yet the vote of the House of Commons on the 8th of February, and particularly that of one man, I cannot reflect on without surprize and indignation. I do not wonder that the warm imagination of Mr. Burke is over-heated by so long and close an attention to one object. I do not wonder that Mr. Sheridan, though of a disposition naturally honest, generous, and noble, should, from political views, act the part so wisely committed to his powers to his political friends: far less do I wonder that ev-

he, who in such suspicious circumstances abandoned the inquiry into the affair of Rumbold, and who had acknowledged so emphatically, that, but for the exertions of Mr. Hastings, India must have been lost, I do not wonder that he who had no character for consistency to lose, should sit silent amidst the criminations against the man whom he had praised, and sneak off under the shadow of the ministerial wing to vote against him: but I wonder, that Mr. Pitt, who owes his station to the friends and to the personal magnanimity of the Governor General, in refusing to purchase his *quietus* by joining a faction against him; I wonder that Mr. Pitt, who pretends to stand solely on the confidence of his countrymen, should so meanly and so impolitically desert that great man to whose influence and virtue he owes his power, and his country its safety. Do you wish, young statesman, by such truckling conduct, to gain the good opinion and friendship of your opponents? There is a generosity in the nature of Fox, of North, of Burke, and Sheridan, which will never coalesce with the cunning of yours. Though the fortune of political war has placed these men in the opposite lines, their hearts and minds are congenial with those of Hastings. Are you

you so weak, notwithstanding all that is taught by the law of nature, and even by the sacred Scriptures, as to plead scruples of conscience? Go then, exchange situations with Doctor Prettyman, abandon the government of a great nation, and preserve the peace of your mind by relinquishing your power, not by sacrificing your friend. But is there not somewhat of jealousy at the bottom of your opposition to Mr. Hastings? The world thinks so; and, I believe, your countrymen will soon convince you that they do.

The persecutions carried on against great and good men, and the triumphs of the wicked and weak, with which the English history, and especially in its latest periods, abounds, shew how unworthily popular favour may be gained, and how undeservedly lost; how quick those transitions from one extreme to another, which are incident to popular governments; and with what caution and reserve we ought to yield our assent to the doctrines of the day, or our approbation to the measures of the moment, the true motives of which are seldom avowed, although plausible pretexts are easily found for recommending them to the multitude, who, from malignity, from a love of innovation and amusement, and from the very sociability of their nature,

ture,



ture, are eager to catch and swell whatever tone happens to be uppermost for the time, which originates for the most part in private and unjustifiable views, and which is circulated at first by selfish industry, and at last by the tides of sympathy and currents of popular passion. But these tides and currents sooner or later subside, and return by a natural and necessary reflux in an opposite direction ; *sometimes*, as in the general sorrow which followed the death of Socrates, even to a point when unavailing repentance manifests itself in acts of outrage and madness. It is not until such tumults are calmed that the characters of men are justly estimated, and their names duly embalmed in the faithful page of history.

F I N I S.

# LETTERS OF ALBANICUS.

TO THE

PEOPLE OF ENGLAND,

ON THE

PARTIALITY AND INJUSTICE

OF THE

C H A R G E S

BROUGHT AGAINST

WARREN HASTINGS, Esq.

LATE GOVERNOR GENERAL OF BENGAL.

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“As far as they carry conviction to any man’s understanding, my labours may be of use: Beyond the evidence it carries with it, I advise him not to follow any man’s interpretation.”

LOCKE.

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L O N D O N:

Printed for J. DEBRETT, opposite Burlington-house, Piccadilly.

MDCCCLXXXVI,



# ADVERTISEMENT.

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THE manner in which an attack has been made on Mr. Hastings is such, that the world can scarcely ever enter into the merits of the cause. The Politicks, the manners, and even the geography of India are known but to few. The *charges* are numerous and complicated, and the *answers* to the charges are, of necessity, as numerous and more complicated. It would require a considerable time, and a very close attention to the subject, to understand it sufficiently

well to discover the false reasoning and the false conclusions in the accusations, or the weight of the facts that are offered in vindication, by the accused.

As this is the case, it is well known that few people ever will be at the trouble to enter fairly into the merits of the cause, and though they may be desirous of doing it, their ardour will stop short of that attentive consideration which is necessary to conviction. Mr. Hastings must certainly suffer in the minds of all who read the first part, but do not go through the whole; nor does there seem to be any way of preventing this but by viewing the affair in a less complicated light, so that the minds of men may be satisfied of the injustice with which he has been treated, without that tedious attention to long arguments,

arguments, and without a previous knowledge of the affairs of India.

The attack made by Mr. Burke, and the defence with which it has been followed, are addressed to a Court of Justice, at leisure appointed to enter into the particulars ; but an address to the common sense of mankind is the only thing that can convince men in general, that Mr. Hastings is an injured man ; and with this intention the following Letters to the People of England are confined to the question, merely so far as common sense and common justice are concerned. A considerable portion of mankind will be of opinion that they were written by an agent, or at the desire of the person whose character they are meant to defend. The Writer of the Letters never had even the most distant connection with Mr. Hastings,

things, and writes only his own ideas for the sake of justice; as, however, he knows that the world will never be convinced of this, he begs leave to turn their attention to a parallel case.

In this country we consider it as being one of the most valuable privileges which we enjoy, that we are judged by our Peers, and are allowed to employ (to hire for money) advocates who may plead our cause. When the most detestable criminal is brought forth to be tried, he is allowed an impartial Jury, and he is permitted to employ men of the first abilities to plead in his defence. These men are paid, yet we glory in this mode of getting justice, and we listen with attention and candour to the *hired* protector of the robber or the assassin; nor does the man who thus grants his protection to the guilty,

who

who employs his learning and abilities to extenuate the crime, incur thereby disgrace.

Speaking is the mode by which a Jury and a Court may be most advantageously addressed. Writing is the one by which alone we can appeal to a nation ; and of the two modes, this last is the least liable to exception ; here there is none of the false glare of eloquence, or the sympathetick effect that is produced by an address to a crowded Court, which disarms justice and blunt the edge of reason. Yet, my countrymen, such is the effect of custom and of prejudice, that this mode, which is the least capable of deceiving you into a wrong conclusion, is deemed the least honourable.



In the small State of Athens, the whole body of the people was appealed to, and in Rome, though the mistress of the world, the Roman citizens when assembled in the Forum, listened to their orators, and sometimes to their Emperors in the cause of an individual\*. And some of their orations on the side of the accused, are deservedly ranked among the most finished of human productions.

Whence does it then arise, that a defence in writing is *objected* to, as being supposed the work of a friend? Is it because he is concealed, and appears not in

\* A common foot soldier, who had fought for Augustus Cæsar, was to be tried for a crime, and he applied to Augustus, then Emperor, to defend him, which upon his declining, the soldier exclaimed, "That is not fair, it was not thus that I fought your battles.

his

his own person? Surely that cannot be; for that very circumstance makes his appeal the more fair and just, for when men want to be fair and impartial, they chuse not to be made acquainted with the name or the merits of those who apply. If there is then any way by which men may be addressed with impartiality, where neither eloquence nor sympathy, nor respect to the person by whom they are addressed can operate, it is from the press, in an anonymous publication.



TO THE  
PEOPLE OF ENGLAND.

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L E T T E R I.

**T**HAT a love of justice; and a desire of investigating the merits of every public cause, are prevalent in this country, no person can for a moment doubt; of this the zeal with which all ranks of men attach themselves, either to the one or the other side, is an unequivocal proof. Whatever, or whoever, comes before the

Public to be judged, finds always an *intelligent*, and frequently an *impartial* jury. There are, however, a set of men, who with less candour take upon themselves the office of Judges in these cases, and presume, through the medium of the press, to instruct the Public, and to bias its opinion. Those who range themselves on the side of the defendant, have the more pleasing, though less easy task.— Abuse is a weapon that it is not difficult to wield, and the use of which is well known to the most unprincipled portion of mankind; there does not exist, in the mind of man, a more destructive talent than that of invidious and loose insinuation; nor is there any one that is upon all occasions so ready to assassinate public characters; on the contrary, there is always a degree of difficulty in defending a cause, however good, against those attacks

tacks which meet with support from envy or malevolence.

In a public cause, when one individual is to be the chief sufferer, every man must feel a wish to see justice done ; the good of the Public, and the claims of an individual, both join in demanding our attention.

At this instant, my fellow countrymen, such a cause is before you ; one in which the public good, and the happiness of an individual are blended into one. To that it is that I presume now to call your attention ; conscious, that, while I am governed by truth, justice, and candour, you will not refuse my request.

Several years ago, our ears were accustomed to hear of the splendid trans-

actions of Governor Hastings in our settlements in India, and even the speeches from the Throne have condescended sometimes to administer to us a degree of comfort from *his success in Asia*, which we could not derive from our own in Europe and America. I only recal to your remembrance a thing, of which you were yourselves the witnesses, and I request you to recollect the *popular applause* and the *private opinion*, at the time when the career was yet going on. As the brilliancy of actions is dimmed by time, and tarnished by the tongue of scandal, we view them now in a different light, and our admiration and applause have given place to less generous emotions.—As we delight in putting chains on the beautiful animal, with whose form, whose figure and address, we were charmed and amazed, while soaring the air, or ranging at large in the boundless desert,

This is not justice, but it is a principle, a desire connected with the human mind, and with the nature of man ; and we can find in all ages instances where it has sacrificed the individual who had saved his country.

Need I to name the Athenians, who banished the only man, whose courage and virtue saved them from destruction ? The Romans, who gave ear to accusations against Scipio Africanus, who had driven their most formidable enemy almost from their very gates ! The Carthagenians who abandoned Hannibal ; or our own forefathers, who saw the illustrious Duke of Marlborough banished the Court in disgrace, after having gained immortal honour to his country ! I ask, if I need to bring to your memory those facts, which throw disgrace on the human character ;



rafter; or after having laid them before you, is it necessary to make a commentary, and to tell ye, that brilliant actions always attract envy, beget enemies, and are often left defenceless?

When the undue warmth of Party shall have died away, the character of Mr Hastings, and his transactions, will be better known. They will be contrasted with the reception which that veteran received in his own country; and they may perhaps furnish one more example of the changeable and ungrateful disposition of the multitude.

I do not believe that you would wish such an event to distinguish the year 1786 from those that have gone before; or, what is worse, to compare your actions with themselves, and to fix upon your  
name

name for ever, the character of *inconsistency* or *injustice*. When it shall be recorded, that the same men who passed over, without punishment, or even enquiry, the actions of Generals and of Admirals, who were believed to have betrayed their country in the West, turned with indignation to the champion who had fought their battles in the East, and with violence cried out, IMPEACH ! IMPEACH ! You cannot be desirous of the character which this would give ; and public reputation, as well as private justice, require that you should take care not to deserve it.

As a Member of that community which may acquire honour by its candour, or by the want of it disgrace, I mean to endeavour, to set things in their true light. I mean not to reprobate his accusers ; they may mean well, but  
be

be mistaken. I shall confine myself to representing facts, and separating them from the unfair conclusions with which they have been cloathed ; and when I am found to deviate from what is proper, let me be called to order. By addressing the Public, I certainly become answerable to it for whatever I may say ; and I shall submit patiently to its criticism, provided I am favoured with its attention.

Whatever is human, we expect must be imperfect ; every thing in the moral, as well as in the physical world, is a proof of this. There are, nevertheless, things that we term good, and others that we term bad ; not that they are entirely either the one or the other, but as one or other predominates most. From this it follows, that to judge of any thing with justice, we must examine all the parts,

parts, compare them together, and form an opinion of the whole from that general view.

The actions of a man ought to be viewed in this manner, and not separated into different parts, for the purpose of different charges, the good and evil should be brought each into one sum before they are balanced against each other. Honour and Character do not admit of being treated like personal property, because they are not, like it, *divisible*; you cannot *impeach* and honour the *same person*, the one necessarily implies the impossibility of the other; though in matters of property, you may charge a man with a sum that he has lost, and pay him for what he has gained; and you may repeat the same a thousand times, without bringing out a wrong balance at last.

The case, as I before affirmed, is totally different in matters of character; there, there is but one thing to gain or to lose, and it must be done *once for all*.—You cannot vote twenty impeachments, or even censures, upon a man's conduct, and balance it by twenty, or by twenty millions of laurels. The man who receives the one, is by that rendered incapable of receiving the other, his honour is stained, and mankind are not possessed of any powers by which it can be restored.

A man may have many different traits, but he can only have *one* character; the more it partakes of the failings of the human mind, the more virtues will be necessary to overbalance them, and the less brilliant will the character be; but still it must preponderate one way or the other.

other, as it cannot be both *good* and *bad*; there must be a sort of commutation take place, and after that an opinion formed of the whole.

When Cæsar said, *like a sick girl*, “*Give me some drink, Titinius!*” Cæsar might be said to be a chicken-hearted man; but his more memorable speech, when he passed the Rubicon, entitles him to another appellation. When Cæsar forgot his ambition and himself in the arms of an Egyptian Queen, he acted the enervated and foolish lover: but when he subdued the Gauls and the Britons; when he subdued his country; when he enslaved the world, he was every thing that was opposite to the character which he might have obtained from his conduct with his Royal Mistress. Though Cæsar’s life exhibited these opposite extremes,

tremes, yet there is not any man who has in the world's eye a more consistent and unique character ; he is as justly, as he is universally reckoned, the most ambitious of mankind, and his love affair only appears like a small spot on the disk of the Sun ; yet there have been few men who would have shewn themselves so dead to every spark of ambition, as to have put the whole world in the balance, and risqued more than twenty kingdoms for one Queen. It would be in vain to say, the world has mistaken the character of that very great man ; and it is unnecessary to prove that it judges truly ; but it is proper to remark, that without balancing his different traits of character against each other, it could not have been established ; you would form a group of contradictions that existed in the man, but not in his character, Ambitious, brave,

brave, indefatigable, and generous, were the leading traits by which he distinguished himself while he lived, and he preserves them still, though he was in some cases childish, impatient, love-sick, and, it is even said, chicken-hearted: yet to draw his character by these opposite extremes, would never do; one or other must predominate, and the world has agreed for seventeen hundred years in one opinion, respecting this phenomenon of a man. There are many points, on which it has not agreed so well, that are considered by a large portion of mankind as indisputable,

In this view then of the matter, I am utterly at a loss to conceive the intention of grounding a great number of impeachments against one man, as if he had so many characters to lose; which, by debating



bating separately on his charges, they in fact do. What can the world do to Mr. Hastings, but take away his character, rob him of the glory to which he is entitled by his success in India, and substitute disgrace? This can be done but once. There is something heavy indeed, in the sound of so great a number of charges of high crimes and misdemeanors; but that there may be justice, they ought all to be debated *in one charge*, and balanced with whatever services he had done his country.—This I will maintain is necessary. This, however, has not been the case with the accusers of Mr. Hastings, they have not chosen to take this mode of proceeding, but instead of viewing all his actions in India, good and bad, contrasted, they have separated them with industry, and selected the most unfavourable for the purpose of bringing *different* accusations.

If by these means he could be impeached, it would not be upon a fair footing, it would be partial and unjust. I maintain that it is not the separate parts, but the whole taken together of a man's conduct, that are impeachable, and that if you are to separate the different parts in this manner, there is not a man alive who could escape; or if there is, it would be the contemptible character that never elevates itself to a sufficient degree of consequence, to have the power of deviating sufficiently far from propriety.

Upon this footing, however, do his accusers proceed against Mr. Hastings; they have seized upon a piece of tesselated pavement, of which the general effect was good; they have tore up the darker parts, and they have insisted that the whole was black, that it was ugly, and that it ought to be destroyed.

It may be said, perhaps, in answer to this, that I do not understand the mode of proceeding in Mr. Hastings' case; that though there are many charges, it will only amount *to one impeachment*. I should be glad to know whether any body can think, that a trial will rescue or restore the honour of a Gentleman, after the House of Commons has debated upon separate accusations, and determined them to be high crimes and misdemeanors\*. As far as honour goes, that is an *impeachment* to all intents and

\* There is at this time a *noble* Admiral, who has been making a journey through other countries, to avoid the disgrace in his own, that arose from a *patched up trial*. The Genuine Court Plaister was applied to the wound, but all would not do, even a Coronet, and the *artificial* title of *Honourable*, prefixed to his name, at the time when people had first begun to suspect that he wanted the *real title*, were found unequal to the producing a perfect cure. One instance is as good as a whole lack.

and purposes ; and as it is grounded upon a partial examination of his conduct, I say it is unfair, cruel, and unjust ; that the House of Commons is taking away what they cannot restore ; nay, what all mankind cannot restore ; for a sentence of crimination, after the merits are debated fully on both sides, is a stain that nothing can remove ; and there is no justice in this country, *if in trying the\* crime they inflict the punishment.* It is the torture and the rack, the accused is ruined, every bone is broken during the trial ; after which, an acquittal or a condemnation are alike indifferent ; they are become empty sounds, signifying nothing.

ALBANICUS.

*London, 26th July, 1786.*

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LETTER

## L E T T E R     II.

**I**N my last letter I endeavoured to prove that a number of separate accusations, grounded upon different actions, and making different charges, are unfair in their principle, when brought against a servant of the Public; I must intreat your indulgence upon this same subject a little longer, as it is a matter of particular importance.

There is at this time a man, who I believe is universally respected, at least as much so as any man can expect to be among his cotemporaries; a man, who, in the capacity of a Judge, has drawn the  
admiration

admiration and esteem of a whole age, and of a whole nation, by the rectitude and justice of his decrees, yet there are cases in which he is known to have acted wrong ; nay, there are particular points in which he is believed not to preserve his usual justice and impartiality, yet would it be highly improper, that he should be accused and impeached on that account ; the nation would never agree to condemn the man they are accustomed to revere, as being one of the most just, for they know that all men are more or less imperfect.

Whenever a superior court reverses the sentence that has been pronounced by an inferior one, it is understood, that the former sentence was unjust. Take this in its full meaning, and you may certainly, if you follow Mr. Burke's mode,

conclude that if in the case of A and B, the court has judged wrong ; that the property which belonged in reality to A, has been given to B ; that to give one man's property to another is certainly against the laws of this country, and that it was therefore a *high crime and misdemeanor*.—This is regular argument ; just as much so as any of Mr. Burke's, but it is not fair for all that. It is not only very unfair, but it is perfectly inconsistent with the nature of men, and with the very institution of Judges, and of different Courts—certainly *a high crime and misdemeanor*, in court, incapacitates, or ought to incapacitate a Judge, he ought to be disgraced, besides being stripped of his office. But what would this do ? Few Judges, except in the highest Court itself, would keep their seat a week ; they would be turned out with disgrace, and become

vagrants,

vagrants, without character or without employment, being guilty of *high crimes and misdemeanors*. This would all happen through purity of principles applied by a strict course of reasoning from causes to effects, and would bring about a fine effect at last; the robes of the Judges would all be converted into beggars cloaks, and justice would fill the streets with its mendicant administrators. Is it worth while to examine into the fallacy of a conclusion that is so *fairly* brought about, but that ends in such ridicule? Certainly it does not deserve an investigation from any merit that it possesses, but as Mr. Hastings is accused by the same sort of logical reasoning, it may, on that account, be proper to examine it for a moment.

In the first place, though the higher Court is in the eye of the law right, and  
the



the lower one must have been wrong ; yet, in reality, it is uncertain which is right, and which is wrong ; they are only *two imperfect* things set to check each other.

In the second place, if the lower Court were proved to be wrong, yet, there is no certainty that it was so wilfully ; it is to be supposed not, as the institution of a superior Court implied the previous belief that the inferior one was not always to be right, so that at the worst it was but incapacity in the lower Court. And, in the third place, the incapacity or mistake in one instance, is no proof that the Court is not capable, in general, to judge properly enough, therefore it turns out at last to be nothing more than one of those imperfections of which every human institution partakes more or less,

and

and it was not only a thing to be expected, but was certain to take place sometime or other: So that we shall again see the Judges sitting upon the Bench and doing business as well as they are able, though they are sometimes wrong.

I think from this we are not always to affix a punishment to whatever is wrong, and that accusations that are partial ought to be listened to with great caution lest they be unjust.

I am sure that arguments or intreaties are unnecessary to induce you to give attention to the cause of the injured; never are you blind to justice, nor deaf to mercy.

I certainly intend to prove, that the case of Mr. Hastings is in every respect  
equally

equally hard with that of the Judges whom we saw just now turned into the streets because they were *men*, which is another word for being *imperfect*.

It may be alledged that Mr. Hastings is accused, article by article, at his own desire, and that he refused to shrink from an investigation, or to let his merits compensate for his faults, that therefore he not only gets justice, but the very justice that he demands, and in his own way too.

He certainly gets it as much, but not a grain more than that man indulges himself, who jumps out of a ship that is burning, into the sea, but who cannot after all be said to have had exactly what he wanted, though it was the desperate alternative which he chose.

The case in which Mr. Hastings found himself involved just at the time when he returned to his native country, after a very long service in India, during which he had seen many men that were far his inferiors in rank, in importance, and in abilities, return with greater fortunes than himself, and what is of still more importance, at a much earlier period of life. I say, just at the time when he returned inferior in wealth, and worse in constitution than many others, after having been of infinitely more service than any one of them, he found his character called in question openly in the House of Commons, from which accusations were circulated with additional authority, and received with additional avidity through the whole kingdom.

No circumstance can raise him higher in the opinions of men, than to find that

of shrinking from an investigation • he stood forth boldly in demanding, either that his enemies would specify their charges, or be silent; his honour was concerned, and he was resolved that either one or other should be done. The abuse which he had sustained was of too flagrant a nature, and too open to be retracted, and the honour of the accuser demanded that he should prove what he had advanced. Thus did an accusation begin, and a volume has been written to the astonishment of the Public, in which Mr. Hastings was accused of more high crimes and misdemeanors than were any way necessary; but having once begun, it was as easy, and, perhaps, more agreeable to go on than to stop, and a very short period saw more than twenty heavy charges rear their heads in terrible shew.

Mr.

Mr. Hastings had an alternative, but it was of little consequence, and he chose, like a man who confided in the goodness of his own cause, that each article should be separately examined as they were separately charged. Mr. Hastings, by wishing to meet the charges separately, did the very thing that any innocent and honourable man would have done, yet does it not follow that the charges were properly made. All that could, with any propriety, have been questioned respecting him was, *whether, when in India, he had acted faithfully as a Governor intrusted with the interests of the India Company and of the English nation.* This would have been proper enough, perhaps it was unnecessary, but at any rate it would not have been unfair; it would have included his *whole transactions*, good and bad, and if in an enquiry conducted upon that equi-

table footing his character had been likely to suffer, I should not have appeared, as I now do, a volunteer in his defence ; but, as it is, every man who has any idea of justice, and who can feel for those who are injured, must consider his case as being very unmeritedly hard and oppressive, for the mode of trial is of itself a punishment, as the accusations convey an idea of crimes of the highest order, and it is generally understood that an impeachment is like a trial for life and death. I speak of the general ideas of mankind on the subject ; they consider an impeachment as being like an accusation for a capital crime, which, whenever it unluckily happens to an innocent man, is of itself a very severe punishment ; but for a great variety of reasons is it particularly severe, and if I may be allowed to say so, *unfair* in the  
case

case of Mr. Hastings, as some of the charges appear marked with an enormity that almost chills the blood. The charge of extirpating the nation of the Rohillas, for instance, is one of this sort ; here we are led to believe that Mr. Hastings entered into an agreement to assist in exterminating all the men, women, and children of a country ; by it we understand nothing less than that every human creature upon the face of the ground was either to be killed, driven away, or carried off. This is as mild a meaning as it will bear, yet it is infinitely different from the real thing. “ The  
 “ Rohillas were not the people of the  
 “ country, but a military tribe, who  
 “ conquered it, and quartered themselves  
 “ upon it without following any profes-  
 “ sion but that of arms, or mixing in  
 “ any relation with the native inhabi-  
 “ tants



“ tans\* ;” and this barbarous extirpation consisted in obliging these people, who ruled by force over nine times their own number, to repass the Ganges and return to their own country. This in reality and in appearance wears so different an aspect, that it may be declared to be a misrepresentation; instead of being the very decided, and the very high crime that at first it appeared, to a great portion of mankind it may seem to be an act of justice; to another it may seem doubtful in

\* Major Hanny’s account of the people in question is this, “ I have learned from many people that it is only within fifty years that the Rohillas have become masters of the country on the north of the Ganges; that they were originally Afghans, came into Hindostan under a Sirdar, named Daood Cawn, and that they conquered that country from the Hindoos, and that since that time they have followed no other profession but that of arms, and the ancient Hindoos have cultivated the country. The Rohillas are Mussulmen of the sect of Omer, and the cultivators of the country are Hindoos. I suppose the proportion to be about nine Hindoos to one Mussulman.”

what

what class it ought to be placed; by some it may be reckoned unfair, but by none will it ever be understood as *extirpating* a whole nation. It is, however, peculiarly unlucky that the heavy charge may be read in a few seconds, as it is comprised in a few lines, but the vindication requires longer time, and more attention. This exhibits a specimen of Mr. Burke's mode of *fabricating* charges, and certainly, when examined, gives no very favourable idea of his own candour, but we must judge of him with greater liberality than he does of Mr. Hastings; in short, we must make allowance on account of the other parts of his character, and we shall find, that his lively and brilliant fancy has led his judgment out of the road; it has painted evils in India that never existed, and has, as the continued operation of fancy ever does, taken away the faculty of thinking with impar-

impar-

impartiality on the subject where it is exerted. Mr. Burke is only viewing the worst side of man's character, and his own is at stake in the crimination of Mr. Hastings, and it is singularly unfortunate that his abilities, the brilliancy of his fancy, and his eloquence are such, that whatever comes, either from his tongue or his pen, no matter which, it comes with a double degree of force, and drawn by the hand of an eminent master. Every natural and artificial circumstance is unfavourable to Mr. Hastings; his accusation is carried on by a very able party, which has contrived to heap the crimes of a *whole Government* upon his head, and all things considered, candour must allow, that he must have acted very well indeed to be able to answer every one of the charges distinctly, which he has done, and as he has spent his life

in

in the service of his country, as he is persecuted unjustly, and perhaps to have what is most dear, his reputation, taken away, he has a right to expect, nay, to demand the attention of his countrymen to his vindication.

## L E T T E R     III.

**W**ERE it truly to be proved, that Mr. Hastings has been guilty of the high crimes and misdemeanors of which he is accused, still his accusers will be to blame in not having proceeded against him in a fair and candid manner\* : but supposing he should be found to be in a great degree innocent, how unfair must it not then be ?

\* It is according to the true spirit of justice and of English law, that every man must be proceeded against equally fairly, however heinous the crime he is accused of may be ; and even though men are conscious, in their own minds, that he is guilty, unless it is proved positively, it alters not, in any respect, the case. If a murderer is hanged, without being properly convicted, it is MURDER, and against law.

I in-

I intended, in an after part, to shew, that many other of the charges brought against him are equally misrepresentations with that of the extirpation of the Rohillas, that is to say, that they are *diametrically opposite in point of fact, to what they are in the signification and meaning of the words*; but at present I intend to prove, that they have been urged in the most unfair manner possible; and, I must confess, that here, I think, Mr. Burke has not acted with his usual candour: he knows human nature too well to have done it through mistake; he knows that all men are imperfect, and that every error does not arise from a criminal motive. In this case, his anger seems to have suspended his reason and his justice, as upon another occasion, his surprise, for a time, suspended his indignation (see Mr. Burke's speech, page 69, 1st December, 1783.) Consider well,

my countrymen, for it concerns you all, whether it is not very unfair to attribute as a fault, every action, which at the end of ten years may be discovered not to have been the best or the wisest possible, and that too when the actor was concerned in affairs of a most difficult nature. If we allow this, what impeachments upon impeachments are there not room for in the transactions of the last ten years in this country. Where is the public character that would not be called in question, or the individual who would not blame himself?—How many evils occur through ill concerted, or ill executed schemes, even in the common affairs of life, and where the will, where the intention to do well cannot at all be questioned. Do not men ruin themselves and their families, frequently, with the best intentions; and are not many men reduced from the  
pinnacle

pinnacle of fortune, to the lowest wretchedness, who have their mistakes to lament, but who cannot accuse their intentions with the least share in their misfortunes? We not only all have seen, but we have all, in a greater or lesser degree, felt this to be true, and our minds are well acquainted with the distinction between a *mistake*, and an *intended crime*; for, by the former of these names have we distinguished the errors of the head, and by the latter, the errors of the heart. Thus have they been hitherto distinguished; but what does Mr. Burke say? Here I must pause a little; I am going to tell you a thing, which scarcely bears the appearance of being true, and I am considering whether I dare venture to do it. He calls these mistakes, high crimes and misdemeanors; yes, my countrymen, you need not be amazed, they  
are



are all high crimes and misdemeanors !!! What a pity, that Mr. Hastings, who has so able, so comprehensive a head, should have so black a heart ; he is, perhaps, the only Governor, that the world ever saw, who *never was mistaken* ; he is the reverse of other men ; we have frequently found men who were faultless in their intentions, but never one who was perfect in his understanding : Mr. Hastings is the first man who has shewn us what it is to be perfect in his understanding ; and unluckily, he is, also, the first man to whom we have not one good motive of action to assign.

Such, from the nature of Mr. Burke's charges, is the character of Mr. Hastings to be accounted ; and we are not to suppose, that the difficulty or impossibility of knowing what it was best to do, had

had any share whatever in the measures he pursued. If he made a treaty that was not a good one, it was a crime; if he afterwards, through necessity, set aside a bad treaty, it was another\*. A poet said, that he remembered when he was a young man every thing was wrong he did not know. Now it seems, that wherever Mr. Burke was not acquainted with the circumstances that immediately occasioned any piece of ill luck or misfortune, or even of good look, he attributed it to the baseness of Mr. Hastings's heart; did any negotiation appear strange and

\* Mr. Burke seems to be something like the man in the story, who turned every thing he touched into a custard, his hat, his coat, his wig, his wife and all became custards. Every thing becomes, under Mr. Burke's hands, a crime of the first order and the highest rank. This puerile story would not have been alluded to, had not a *certain* Member of a Great House quoted *Little Red Riding Hood*, and brought little tales into fashion.

the intention not evident at this distance of time and of place, it went down to the same account, Mr. Hastings's heart; and from this black source was every motive derived, that either fancy or ingenuity could trace; whether it was the extirpation of a whole nation, or the conversing with men in their own language without an interpreter, it became a crime of the deepest die, and all the crimes were equally deep, for they were all as deep as possible.

There seems so great an inconsistency in this, and if I may be allowed to say so, it appears so impossible that Mr. Burke could be so unfair, that to gain some belief, I think it necessary to explain to you how I imagine it has happened; and were I but here blessed with a small spark of Mr. Burke's imagination, and his faculty-

culty of tracing hidden causes, I should probably succeed.

The attention of Mr. Burke has, for several years, been turned to the transactions in India, and the affairs of the Company; his speech, on the 1st of December, 1783, in favour of that famous bill, which terminated, for that time, in the ruin of his party, shewed how much he had studied the subject, and with what an accumulation of horror he viewed the transactions there. In that speech, deservedly famous, both on account of its great merit, and the importance of the subject, Mr. Burke was attacking the *nature and constitution* of the *India Company*, he was proving that it was innately bad, and had occasioned a constant scene of oppression and of injustice, and what was more,

that without altering the nature of its rights, it could never be otherwise.

Speaking of the Company that day, Mr. Burke says, “ With regard, therefore, to  
 “ the abuse of the foederal trust, I en-  
 “ gage myself to you to make good these  
 “ three positions: 1st. I say, that from  
 “ Mount Imaus, where it touches us in  
 “ the latitude of twenty-nine, to Cape  
 “ Comorin in the latitude of eight, there  
 “ is not a *single* Prince, State, or Poten-  
 “ tate, great or small, in India, with  
 “ whom they have come into con-  
 “ tact, whom they have not sold. I  
 “ say *sold*, though sometimes they have  
 “ not been able to deliver, according to  
 “ bargain. Secondly, I say, there is not  
 “ a *single treaty* they have not broken.  
 “ Thirdly, I say, there is not a single  
 “ Prince or State, who ever put any  
 “ trust

“ trust in the Company, who is not  
 “ utterly ruined, and that none are in any  
 “ degree secure or flourishing, but in the  
 “ exact proportion to their settled dis-  
 “ trust, and irreconcilable enmity to  
 “ this nation. These assertions are uni-  
 “ versal; I say, in the full sense *univer-*  
 “ *sal*; they regard the external and po-  
 “ litical trust only; but I shall produce  
 “ others, fully equivalent in the internal.”

Here Mr. Burke, with all his powers,  
 declares the *India Company* to be in the  
 fault, and of what then does he accuse  
 Mr. Hastings?—Why he would impeach  
 Mr. Hastings for being a servant of the  
 Company, but for nothing else, *for all*  
*the mischiefs originated with the Com-*  
*pany*; and he says, “ there is nothing  
 “ worse in the boys we send to India than  
 “ in the boys whom we are whipping at  
 “ school, or that we see trailing a pike,

“ or bending over a desk at home.” Thus doubly does Mr. Burke argue his cause; he proves where the evil lays, and where it does not lay, and if what he says is true, you might just as well remove all the boys from Westminster School to the Bar of the House of Commons and impeach them every one; for it does not require much depth of reason to perceive the truth of this, that if the boys in India (are no worse than those at home) the boys at home must be *as bad* as the boys in India, and equally deserve impeachment.

Mr. Burke, certainly, among others, discovered great grievances in India, and attributed them, with propriety, to the constitution of the Government there. His humanity, of which he certainly has a considerable share, made him feel for the oppression

oppression and injustice into which he was enquiring, and his warmth of imagination seems to have led him to a degree of enthusiasm, which indeed it would be unfair to condemn. In the course of this investigation, after having laid all the faults on the Company, he again divided them among the servants of the Company, though in this he acted with great inconsistency; and when Mr. Hastings was singled out, because he was Governor, by a very happy knack Mr. Burke loads him with the iniquities of them all. This is a specimen of the facility with which Mr. Burke turns the whole of his force to the part where he means to inflict the wound, while at the same time it seems to be some account for the misrepresentations against Mr. Hastings. This ought to be a lesson to us to receive with caution the charges which he has produced,



produced, and it is impossible to look up to Mr. Burke with the same respect, when he is the accuser of a man who, according to his own account, was but one *agent among many, for a Company constituted and existing upon such principles as did not admit of his being an upright man*: I say it is impossible to look at Mr. Burke with the same respect in this case, as we did when he was struggling to secure the *rice in his pot to every man in India*; and it is a just cause of astonishment to perceive that his eagerness in the one case, is equal to his noble exertion in the other: we must with equal astonishment and regret, perceive the orator, who with almost unexampled eloquence, supported the cause of *millions of the most diligent, and not the least intelligent tillers of the earth*, now turning the accuser of a man, whose ambition it is to pass in quiet the remains of a constitution

tion and of a life which have been devoted to the service of his country ; but when we consider, that by his main argument, in this latter case, he invalidates his former reasoning that he now attributes devastations to the *individual*, which he had before proved were occasioned by the *Government*, and which were connected with its very nature ; astonishment and regret are changed into a very disagreeable uncertainty, and we are led to suspect the purity of the motives as well as the justice of the arguments.

When Mr. Burke's charges were first brought into public view, I must declare, that I read several parts of them, not without horror, though the futility of some appeared at first sight ; the situation in which the different parties, the accuser and the accused appeared, formed a contrast

trast very unfavourable to the latter; Mr. Burke appeared the avenger of the wrongs of the Indians, from the Prince upon the throne, to the beggar on the dunghill; but when it appeared plainly, from a farther attention to the subject, that the faults of a very imperfect Government were for the sake of vengeance heaped upon the head of one man, it altered the case; and when, as it most notoriously does, appeared, that mutilated facts were produced, and unfair constructions invented, I say, *invented*, for the facts did not point to the constructions, it altered the case still more; and when I found, that Mr. Hastings, who was accused of every sort of almost savage cruelty, had written in one of these very cases, in the following humane manner, I conceived the whole to be a fabrication, and it appears

from

from every part most notoriously to be one;  
the letter is as follows:

Extract of a Letter from the President to  
Mr. Nathaniel Middleton, 27th May,  
1774.

“ Colonel Champion complains of the  
“ conduct of the Vizier, in suffering,  
“ and even in ordering his troops to ra-  
“ vage the country, and in his cruel  
“ treatment of the family of Hafez Rah-  
“ mut. This is a subject on which I  
“ cannot write to the Vizier; it might  
“ widen the breach between him and the  
“ Commander in Chief, and possibly in-  
“ fluence the Nabob to some private re-  
“ venge on the unhappy remains of  
“ Hafez Rahmut’s family; I desire, there-  
“ fore, that you will take an immediate  
“ occasion to remonstrate to him against

“ every act of cruelty, or wanton vio-  
 “ lence : the country is his, and the  
 “ people his subjects ; they claim by that  
 “ relation, his tenderest regard, and un-  
 “ remitted protection. The family of  
 “ Hafez have never injured him, but  
 “ have a claim to his protection in default  
 “ of that of which he has deprived them.  
 “ Tell him, that the English manners are  
 “ abhorrent of every species of inhumana-  
 “ nity and oppression, and enjoin the  
 “ gentlest treatment of a vanquished ene-  
 “ my ; require and intreat his observance  
 “ of this principle towards the family of  
 “ of Hafez ; tell him my instructions to  
 “ you generally, but urgingly enforce  
 “ the same maxim ; and that there is no  
 “ part of his conduct will operate so pow-  
 “ erfully in winning the hearts of the  
 “ English, as instances of benevolence  
 “ and feeling for others. If these argu-  
 “ ments

“ ments do not prevail, you may inform  
 “ him directly, that you have my orders  
 “ to insist upon proper treatment of the  
 “ family of Hafez Rahmut, since, in  
 “ our alliance with him, the reputation  
 “ of our national character is involved in  
 “ every act which subjects his own to  
 “ reproach : that I shall publicly excul-  
 “ pate this Government from the impu-  
 “ tation of assenting to such a proposal,  
 “ and I shall reserve it as an objection to  
 “ any future engagements with him,  
 “ when the present service shall have  
 “ been accomplished.”

Who, after reading his letter, wrote  
 with such an eagerness to bring succour  
 to the oppressed family of Hafez Rahmut,  
 can believe, that the author was either  
 cruel or unjust? Through the whole,  
 mixed with a regard for the character and

interests of the Company, breathes the most ardent desire to afford relief to the oppressed. The manner of the letter is well worth observing, it is quite the language of a man very intent upon the purpose about which he wrote; and I must own, that with me the matter seems to warrant this conclusion, that the writer must have been a good man;—yet this is one of the cases in which he is accused of oppression and injustice.

## L E T T E R      IV.

**I**T requires not any great knowledge of the ways of men to see that the Governor of a large country like India, under circumstances such as Mr. Hastings was, must be directed in many cases by his own private opinion, rather than by that of the Supreme Council, and much rather than by that of the Directors in Leadenhall-street. A Government ill established over a conquered country, where the revolutions are suddenly brought about, does least of all admit of instructions received from the most distant part of the world, even supposing the judgment of those who directed it to be perfectly equal to the task.

The



The coalitions and changes that take place in this established and free country, are too rapid to admit of such a direction as that; and we must all know that tho' a coward and a knave may shelter himself under the orders he has received, yet that honest and bold agent of a Company must in unforeseen or in difficult cases, act to the *best of his own judgment*,

In the empire of China, when a fire catches a house it may not be extinguished without the orders of a Mandarin, and when pulling down a single board might save a whole street from the flames, it must not be done without official leave given: this may be rule and order, it may be subordination, but is it common sense? is it the way to extinguish the fire? There is a degree of absurdity in the idea, that a Governor of India must not act without, or even sometimes contrary

trary to instructions received from England, that makes it scarcely admit of a serious refutation, and it is by no means fair to expect that afterwards he is to be able to give a distinct reason for every thing he did. The more discerning and able a man he is, the less account will he be able to give, for two reasons; first, he will have trusted to his own *judgment at the time*, and the more acute the judgment is, the more complicated will be the reasons from which it acts; and second, he will, from a consciousness of his own intentions and ability, not think of preparing for a defence; his mind will dwell upon succeeding in the affair, and he will trust his character to the goodness of his cause. A sign-post painter can tell the rules by which he works most exactly, both in dimensions and in colouring, because he is incapable of working at all but by some rule. Apelles most undoubtedly could

could *not* give the rule by which he laid on his tints, or by which he produced a symmetry that delighted and astonished all mankind, for he most assuredly had no rule. And in general it is well known, that even in the works of the common mechanic (with a few exceptions) the best workmen pay the least strict regard to rule.

I am far from contending that Mr. Hastings, or any man in any department, is to set the superior powers at defiance; far from it indeed, but then I do not consider every deviation from their orders as a defiance.

The India Company is a commercial body, and all their affairs, however great the scale may be, are for the purpose of getting money, nothing superior to that,  
and

and I believe I may therefore, without impropriety, compare their affairs with those of people in a smaller scale, whose purpose is the same.

There are numbers of merchants in London who send out agents to travel the country and transact business. They have instructions from the principal before they set off, and write occasionally from different places; they are answerable for what they do during their journey. It is understood by both parties, that the time and exertion of this agent are sold to his employer as much as that of any clerk in his counting-house, and that he is to follow his orders in the same manner. This is the outline, but what alteration do circumstances make? The clerk at home keeps strict hours, does no business without the master's knowledge, and acts

according to the intended rule exactly, while the other agent unites the general rule with good sense, at least with his own judgment, and does as well as he can; he gives up some advantages to his customers, entertains them at his master's expence, and is entertained in return; he keeps such hours as he finds best, and in short, acts as he would do if he were the principal himself. This is universally practised by all mercantile people in this country, and the success with which it is attended establishes its propriety upon a firmer basis than that of any man's opinion; yet this liberty, allowed by every man in trade to his agent, Mr. Burke, in a case where it is more necessary, if possible, denies to a Governor of India, and chuses out particular cases in which he accuses Mr. Hastings. Nothing can be more unjust, nor nothing ever was more unjust

unjust, except when the Romans accused Scipio Africanus of reading Greek, if that can be called so bad. It would have been as well, perhaps, if the Roman General had let the study of that elegant language alone: but it would not have been so well if Mr. Hastings had quarrelled with Sir Eyre Coote about a salary which he had very little chance ever to enjoy, particularly as Sir Eyre Coote merited it, and the refusing it was an act of injustice to a very deserving, and to a dying man\*.

\* Mr. Hastings, among other things, is accused of paying a large annual sum claimed by Sir Eyre Coote, but which the Directors forbid to be paid. Mr. Hastings did not pay it, it was paid by a Nabob Vizier, and General Coote continued to receive it; he was at that time on a very important service, and dying fast. Mr. Hastings did not interfere actively in the affair at all, but did not chuse to quarrel with a General in time of war, about a salary which he could not possibly long enjoy.

I certainly do not mean to extend my defence of Mr. Hastings so far as to say, that he *did not do some wrong things in India*; if I did, I should be saying what I do not believe, nor need I be informed of any thing more, than that he is *a man*, to know that he must sometimes have judged wrong, sometimes had his mind biased by prejudice in favour of men, and sometimes by anger against them. All this I think must have been the case, for he certainly *has failings in common with every human being, besides his own peculiar faults\**, for which Mr. Burke certainly does not consider him as deserving impeachment.

When we consider the great object that Mr. Hastings had before his eyes,

\* See Mr. Fox's character of *himself* in his speech on India affairs, 1st December, 1783, page 50.

we cannot wonder that some parts of his Government were neglected, and that some grievances might exist which he did not redress. We never yet saw any man whose abilities were omnipresent, nay more, we never yet saw the man who could attend to great things and to small equally well, and what is still more yet, we never saw, and I may venture to say, we never shall see any case in which the good of the whole and of all the parts is capable of being always united. The farmer who blamed the Creator of all things for not sending the weather that might render *his* soil the most fertile, besides his insolence in pretending to judge at all, was certainly not considering that the general good was the object, and not his in particular, for which if a Superior Being was answerable at all, he alone could be questioned.



No man knows better than Mr. Burke the different effects of a Government composed of many people, or of Councils and the Government of one man. Each has its peculiar defects, and though the Government which is the most free in its principles is certainly the best ; though it is better that people should be governed by a number of men than by one ; by a Parliament of their own chusing than by a King, whose great grand father was chosen by their great grand fathers, merely, perhaps, for party, or from whim, yet though the one Government is decidedly better than the other, an union of the two, which we find take place at home here, is better than either, and this advantage arises from the absolute necessity that there is for some one person having a right to act in particular cases as he and his own friends may think proper,

without

without the formality and delay of Public Councils ; this in some degree counteracts the slow motions of a Government composed of a number of councillors, and the advantages, if not the necessity of this, is so obvious to men, that the bold councils of the famous Lord Chatham were what procured him the esteem of the English nation. The same character, which was that of a bold daring Statesman, resting his fame, his honour, and his head, merely upon the goodness of his intentions and of his measures ; I say, that same character made up of great lines which procured him statues, has procured Mr. Hastings an *impeachment*. I again repeat it, and I will maintain, that there is a great similarity of character, and that from the very parts in which they are alike, the one has obtained a statue, and the other is threatened with a ———

I did not begin this defence of what I deem an injured character, with a design to combat every separate charge, Mr. Hastings has done that himself in a very compleat manner; my intention at no time went any farther than to make an appeal to the good sense and the justice of my countrymen, by shewing on what false ground his accusers had gone, and how unfairly they had during the whole proceeded, and I have stated several of the charges which I should consider as a very clear proof of the want of candour with which he has been accused.

Perhaps I should insist more fully upon these unfair proceedings, and it may be said that I promised in a former letter to meet every charge. I did so, but I only meant that if called upon, I was ready to expose the fallacy of the different charges,

for

for I begun with the avowed purpose of speaking to the case in a general and in a brief way, that reason might be made the arbiter, without that minute and particular attention which so few people can find leisure or patience to give.

## L E T T E R     V.

**P**ERHAPS it demands an apology, that after appealing to the *justice* and to the *reason* of my countrymen, I should venture to address their *interest* upon the same subject. I must here declare, I do not believe that interest, and the love of money, or the love of sway, are equal in the breast of an Englishman, to the love of equity; I think they are not, and I hope they never will be. I, however, must interest your attention to the subject in a political and an interested view of the matter, for while it is not determined to give up the wealth of Asia for conscience

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ence sake, I must consider *that* as an object of no small importance.

The friends of Mr. Hastings have said, that upon the issue of his cause depends our future affairs in India. That was a strong assertion, and I own I do not believe it to be wholly right. I think that it is possible that even Mr. Hastings meets with ill treatment, such as he does *not* deserve, yet there may be men found who will serve the ingrateful multitude who punished him. I think, indeed, that mischief will be heaped upon the devoted Indians that day that Mr. Hastings is impeached. Men who prefer gold to honour, and who do not object to filling a post when disgrace attends good actions, will certainly be from nature and from circumstances compleatly venal.

They will probably behave so ill as either to procure a total alteration, or they will ruin the Company, so that I think there is still one chance.

The state in which the India Company now is, has become a very critical and a very interesting one, and every day it becomes more and more so; it draws very fast to some great point, further than which it never can proceed.

When the English East India Company was first incorporated, and for long after, it was not an object of much envy to the rest of Europe; those nations which watch over the motions of this kingdom, had naturally turned their attention and envy to the monopoly which we had obtained of the trade of the western world; Britain, in itself invulnerable, was only to  
be

be wounded in this remote extremity, and to it did all Europe look, either with anger or suspense. Our natural enemies determined to dissolve a connection to which they vainly attributed the greatness of this country, and even our friends withheld their assistance. The event you all know; it was not possible to retain possession of America, and to combat Europe at the same instant, and we had no occasion to be astonished at our want of success, particularly as we had been at great pains to make the Americans our enemies before the war began. We thought a British Act of Parliament could do any thing, whereas, when imprudently made, it is the most useless piece of paper in the world.

After the child, as it was metaphorically called, was separated from the parent

rent



rent, it was expected that the former was to flourish, and the latter to decay ; neither of the two have, however, happened. We are yet formidable, we are rich, we are enviable, and we are envied. The only possession that we have left, that is worth while to cut each others throats about, is our territory in the East Indies. The nations of Europe have turned round from the West to the East, and begin to perceive that there is some hope yet, and a measure which seems very wise in itself, may probably make them redouble their attention, either directly or indirectly ; the other nations of Europe tasted the sweets of our commerce to India, but now they shall taste no more. Our India Company rises, and theirs sink apace ; this truth is notorious to all the world, and it is absolutely impossible that the nations that suffer will bear it long. The  
 feat

feat and the object of war will be transferred from the uncultivated fields in America, to the fertile and the rich plains of Asia, when the time comes that the enemies of Britain are ready for another attack.

There is in general little credit to be gained by any prediction, but that does not take away the necessity or propriety of looking as attentively as we can into our future affairs.

Past experience has shewn, that there are nations in Europe placed as if on purpose to keep the British empire within bounds, and to check our success, and wherever it has been apprehended we were most vulnerable, there have we been wounded. The present situation of affairs is not such as to give us any occasion

to think that this system is changed, and if it is not, we must expect the next war, like all the others, will be directed at the part in which it is not only the most easy to attack, but where also it is likely to hurt us the most. The settlements in question in India are that very part.

When a possession held by force happens to be large, and numerously inhabited, it becomes easy to attack, under the pretence of liberating it from slavery, and the difficulty of retaining it increases in the same proportion. Our possessions in India are sufficiently large, numerous and disaffected, to produce this effect in a very considerable degree. They are our richest possessions, therefore the most desirable to take, and the most hurtful for us to lose. The French with the assistance

ance of their friends the Dutch, will be both able and willing to undertake this, and if they behave with common prudence, they may easily get the inhabitants on their side ; to increase, if possible, the natural desire of these nations to humble Britain, and to direct their views to India, the great extension of our Company at this very time, and the want of it in their own, do most certainly tend, so that we have reason to apprehend danger there.

Should we by punishing Mr. Hastings in the manner Mr. Burke proposes, upon a partial view of his actions, establish the precedent of throwing disgrace upon men who have acted to the best of their judgment, we certainly take away at once that energy and exertion which only live by applause and esteem, and which are

so necessary in India. The men who serve them will quote the orders of the Directors for their actions, and under the shade of order and propriety will they see ruin precipitated. Honour will be out of the question, disgrace will henceforth be attached to the Government, and it will therefore of necessity (I say of necessity, for it is as natural and necessary as it is possible for any thing to be) become the object of men who prefer gain to reputation, and gold to a good name. How inferior that class of men is to those who seek for fame and honour, every child knows. To be an executioner is reckoned the most disgraceful office, but it is not the least gainful. Yet there is a difficulty of finding men sufficiently dead to the opinion of others to accept of this office, even among the most debased of mankind. In every rank in society the *respectability* is

is either a part of the *reward*, or the want of it a part of the thing for which men are paid. Many a respectable man starves as a curate on twenty pounds a year, who would not for twenty thousand become a bailiff's follower, or any profession to which there is a degree of disgrace attached. What but a regard for honour supports the foldier in his campaign upon a bare subsistence? The world cannot produce an instance, where there is any number of men retained in a *disgraceful service* at so low a rate. I fairly then conclude, that honour is a species of pay more efficacious than money, and that it is the aim of the good and the virtuous. That money alone attracts a very inferior and a very different set of men.

There are degrees and proportions in every thing. Mr. Haltings aimed at  
fame

fame and at honours, and he got them; but should it be found that they are wrested from him, or turned to disgrace, honour will no longer be sought for in that station, and another and a much inferior set of men will fill those places which require probity, honour, and humanity.

Whether we consider the unfitness of such men to repel our enemies, to govern our subjects, or to manage our commercial affairs, we must look upon the change with some degree of concern, viewing it merely in a prudent light. We cannot certainly do what may lead to such an important alteration without considering well what we are about, yet if we suffer such an accusation to be fabricated, as that against Mr. Hastings, if we give ear to it, we must expect the change will take place; for supposing the thing granted,

granted, that men are to have every part of their conduct called in question, and wherever they cannot well and clearly vindicate themselves before a body of men *who do not understand the affair*, they are to be ranked with the vilest of oppressors, no man can take the charge of affairs in India with any other expectation than that of encountering disgrace.

So far as honour or disgrace are used as rewards or punishments, they require a very different management, and one that is much more skilful than any other species of rewards or punishments; they are of all others capable of producing, under certain circumstances, the most powerful effects. There are few characters, and those few are bad, whom the love of fame, of glory, or the good opinion of men, does not overbalance the  
love



love of gain\*, and it will lead to the most extravagant actions; the love of money is a cold, prudent, beggarly and weak passion in comparison, it is circumspect, and leaves men on all great occasions. Those men who bow down to the god of riches never gain the laurels of the hero; and on the contrary, fear of shame deters men from acts of villainy more than fear of actual physical punishment. It is of great consequence, therefore, to preserve in all cases the *ability* of using these two most powerful of all engines; they are however incapable of frequent use, as they become directly ineffectual. The soldier who has been publicly disgraced, sometimes in-

\* There are many people who seem however to be quite destitute of this passion for the esteem of men. It is because they have no hopes of acquiring it. Men are never misers while they have no expectation of getting rich.

deed

deed exerts himself to regain his honour,  
 but much oftener has it a contrary effect,  
 and he becomes worse instead of better.  
 A repetition of disgrace, by effectually  
 shutting up the road to glory, opens wide  
 the path of infamy, and leads to what-  
 ever is bad. The fear of incurring the  
 first disgrace is the great engine, and the  
 opposite effect produced by too much use  
 of the punishment, requires it to be admi-  
 nistered with great judgment. We run  
 a risque by our treatment of Mr. Hastings,  
 of ruining the prospects of all future Go-  
 vernors; every man who succeeds to that  
 important station after him, must want  
 attachment to the service, because he may  
 be impeached for doing what he thought  
 best. He must consider it as so very dif-  
 ficult a thing to escape censure, that he  
 will lay his account with it, and then  
 the miseries of India will be complet,

while

while our expulsion may be looked for as certain, from the nature of things, and desirable for the sake of putting a period to a system which will be disgraceful to human nature.

Had Mr. Hastings known what was to have been his fate when he first entered into the important, the difficult, and the dangerous post of Governor in India, he might have secured the smiles of fortune, and defied the breath of slander. He might have implicitly obeyed the orders of the Directors, and he might have, by throwing the whole of the actions either upon them or upon the Council in India, become *a Governor without responsibility*; he might have lost our possessions there indeed, but then he might have done it according to his directions, and to every charge that was made against him he might

might have given that answer. It would have prevented a possibility of impeachment, nor would it have been in the power of any single Member of the House of Commons, to threaten a man who had betrayed his country and his employers *methodically*. Future Governors, whose experience of the past has learnt them a lesson of prudence, and of selfishness, may take this method; though I suppose, had Mr. Hastings known the whole, he would either have governed as he did, or not at all. He probably prefers the satisfaction of having *his actions approved by Warren Hastings* to any other whatever, and so far he is out of the reach of his most malignant enemy.

Without trusting altogether to reasoning on this point, it is a fact, that when almost the whole world was divided into

Roman provinces, and while the Governors aimed at rank and honour by that post, they were remarkably just and good, but when through the faults and rapacity of a few, the honour of the whole begun to be suspected, it soon ceased altogether to exist, and the provinces, once happy under noble patricians, who were examples of Roman virtue and distributors of Roman justice, then groaned under the tyranny, the taxes and other illegal extortions of the bankrupt and profligate.

This was the change actually produced by the substitution of *disgrace, instead of honour*, and the bad turn being once given, human power was unequal to a means of preventing the increasing depravity; it went on till that great empire, which had extended so far and wide, fell in pieces like a ragged garment through its own weakness.

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This is a great and striking example, the truth of which no man can deny, and it happened merely from the nature of things. The Roman Emperors themselves never encouraged oppression in Governors, but generally wished rather to punish it severely ; and in proportion as punishments increased, the oppression increased in a double degree.

We should consider very well what we wish, what is the object in impeaching Mr. Hastings, and whether it will answer the purpose which is intended ; this is of more importance than any other thing, in the prudent and wise view of the question.

There are two objects that may be possibly in view by this transaction : First, the punishing a man who has not acted

properly, when considered merely as an act of justice. Second, the effect that punishment may have as an example to future Governors, in their treatment of the people of the country; their obedience to the Court of Directors, and their regard to the interests of the Company.

With regard to the first of these, the punishing a man who has acted improperly, a great deal has already been said. We have seen that the accusations have not been fairly brought against him. As the accuser of an enemy, Mr. Burke was perhaps excusable in only relating the worst, and putting the most unfavourable of possible constructions on his actions, but as the investigator of truth he was certainly wrong; I repeat it, certainly and decidedly wrong. When a man ac-  
cuses

cuses another of a *distinct positive crime*, such as murder or theft, where there is no opinion but a firm belief, he has only to substantiate his charge, and let the other party disprove it. But when *from a number of circumstances he is to enquire into a fact*, for the purpose of forming an opinion, it is only common justice to look at all the circumstances. Mr. Burke gives at great length the things on which he founded his opinion, but there does not any thing appear which gives us reason to think that he examined to find out whether he might not be under a mistake, by looking only at the parts that seemed to him *against Mr. Hastings*. He gives always a decided opinion from the view of one side which he had taken. In the eye of the law, of justice, and of common sense, in cases that only admit of circumstantial evidence,



dence, every man who does not judge from all he knows, and who is not willing to enquire into both sides of the question, is a partial and unfair man.

Mr. Burke seems to have forgot a very material distinction that there is between a man who performs his duty improperly, and a man who commits an actual crime, in a case where he has no obligation at all to interfere. Men who murder or steal are of this latter species ; they take away life and property with which they have positively no concern. Physicians, who happen to apply wrong remedies, and kill their patients, either through want of skill or through neglect ; agents or confidential servants, who injure their masters property by carelessness or mistake, are of the former class. There are probably more lives lost by the want of skill of physicians

physicians, or by their neglect, than by murderers; and there is certainly an hundred times more property or wealth, or what you please to call it, lost by the neglect of servants, than by actual theft. The physical effects are equally bad, loss of life and property in both cases. Every one knows, however, the difference of criminality; they have no resemblance either in nature or in extent. The assassin who gave the blow, and the physician who gave the poison, acted under different circumstances: it was the physician's duty to do something, and he did what he thought best, according to his capacity and attention to the subject; it was, on the contrary, the assassin's duty to have abstained from what he did; the one supposed he was doing right, and the other knew he was doing wrong. It is fair to accuse the assassin or the thief positively

positively, and let him clear himself; he can probably do it, if he is innocent, for he is to be judged from facts. Were the physician or agent to be called in question for acting wrong in their separate professions, it would not be by an *accusation* but an *enquiry*; their criminality could not consist in the act, but the intention of the act, which could only be discovered from all the circumstances well compared, both for and against. With regard to the assassin and thief, the *intention* is not the thing, it is the *act which shews intention* and admits of being clearly charged at once. Every body must perceive, that however blameable Mr. Hastings may be, he still is in the circumstances of the physician or the agent. What he did was done in the *capacity of his office*. Mr. Burke has proceeded against him, however, as an assassin

affassin, having no business at all with India, but as entering and committing depredations in a wanton and voluntary manner. This alone makes the transaction the most unfair in its principle possible. I do not believe any man can produce an instance more unfair that ever took place in the way of accusation. Consider to what it leads, and then pronounce. Suppose all men entrusted with the health of others might be questioned, who but desperadoes would accept the trust. Murder is a high crime and misdemeanor;—a physician is proved in a fever to have given opium, when a jury of medical men think antimony would have saved the life, and that the opium killed;—must we hang the physician?—We might in that case say with Macheath, “The world would be thined, such numbers would swing upon Tyburn-tree.

No Man who valued his life would be a physician in that case, nor will any man who values his character govern in India in this. All law is at an end, if you proceed in matters of *opinion* as in matters of *fact*; yet Mr. Burke does, and Mr. Burke is a man of sense, of honour and of virtue. Mr. Burke has never fixed his eye upon one extenuating circumstance, but he has painted those of a dark complexion in the blackest manner.

Nothing, in short, can more clearly shew the intention than these charges do; they bear upon their face the desire of blackening a man's character in every possible instance; there is not a single sentence from which we are warranted to draw the conclusion, that Mr. Burke meant to examine candidly, that he wished to know whether there was any thing

thing that might in some degree clear a man accused of so many crimes. Had Mr. Burke in any instance put a good construction on Mr. Hastings' actions, had he in any case doubted that he meant well, had he in any case added a single extenuating fact, by way of making people judge fairly, he might have some claim to candour, but as it is he has none. I repeat it, that in this case, he has no claim to one grain of candour; it is even to be questioned whether the partial statements and unfair conclusions do not deserve a harsher name than that of want of candour.

It may not now be improper, in a cursory manner, to view the whole of the proceedings against Mr. Hastings. In the first place, the situation in which he stands, represented as *the oppressor of thirty millions of the most harmless people in*

*Asia*; and Mr. Burke as the *avenger of the wrongs of an injured and a helpless multitude*, is very unfavourable to Mr. Hastings. I should be sorry to see the day when this contrast was not sufficient to influence the minds of Englishmen, and I should execrate myself were I capable of standing a moment in defence of such injustice.

We certainly, from the circumstances, are all on Mr. Burke's side. It is the side on which I found myself at first; nor did I alter till I found that Mr. Burke had either proved nothing at all, or that he had proved, that the constitution of the India Company, which Mr. Hastings served, was the cause of every evil\*. He had accused Mr. Hastings of breaking treaties, after he

\* It is surprizing this inconsistency did not occur to Mr. Burke himself, it is so very glaring and so absurd.

had proved the India Company had never made a treaty that they had not broke, and that it was not the men who went to India that were at all to blame. If a pilot is ordered to sea in a ship which is rotten and full of holes, is the sinking of the ship to be laid to his charge?

Were I to stand up for the oppressors of India, there is no evil which I should not deserve to endure; I at first looked upon Mr. Hastings as such, and I cursed his name. I looked on Mr. Burke as their avenger, and I revered him. But the woes of the people of India are not the thing in question. I am convinced that the greatest injury we can do to them is by disgracing Mr. Hastings. I am convinced the moment that is done, there remains no object to be attained by governing India but money. Money balanced against disgrace. But independent of the poor inhabitants



habitants of India, Mr. Burke's charges aimed in a personal manner, in direct opposition to the opinion which he avowed on the 1st of December 1783, and therefore the reverence for the cause of India has nothing to do with this question: Mr. Burke himself exculpated Mr. Hastings when he accused the Company, and the very nature of the constitution of the Company.

With regard to individual justice, this prosecution is from *that* the farthest possible. Partial statements and unfair conclusions are in all cases improper. If a man is innocent, they are diabolical; if he is guilty, they are useless. The precedent that may be set by the punishment of Mr. Hastings, if good, might be some excuse for an unfair transaction, but even that is wanting; there cannot be any good derived either to England, to the Company;

pany, or to the inhabitants of Asia: nor, in considering the whole, is there one good purpose that it is ever likely to serve; we can expect nothing from it, but that India will be worse governed in future, that there will be more extortion, more cruelty, less faith with the Company, and less exertion in cases of war and danger,

In short, whatever is dear to us in India is at stake, and under the idea of justice and regard to the lives and properties of the natives of Asia, we are going to give them up, by this one action, to the dominion of men who will have no object but that of riches, and who are dead to the opinions of men, and of consequence to virtue.

Once more, my countrymen, let me intreat you to consider the importance of  
this

this case, to use your reason and your discernment; you will then perceive that an individual is accused under the most deceitful idea possible; his accuser has affected to espouse the cause of virtue and of the oppressed; he has collected the cries of the Indians, which, he says, were given to the seas and the winds, and for the sake of private vengeance, he has heaped them on an individual head, under the name of punishing the guilty; he has fabricated charges in a manner that does not accord with equity; he has contradicted his own principles, avowed in a national senate; and he has made use of every mode which his eloquence, his fancy, and his argument can furnish, to make you believe that his cause is that of thirty millions of your fellow creatures. Could he advance a stronger claim to attention? Does not every human vir-

tue.

tue second his request? Ought not the  
 man to be heard who acts in so good a  
 cause, who pleads at once for justice and  
 humanity? Yet, my countrymen, it is  
 no such thing, the very number of the  
 charges are a proof of this; the manner  
 in which he has gone to work is a proof  
 the of this; and the end that he proposes is  
 very opposite of what he leads us to expect.  
 There is much at stake, and our passions  
 are attacked by involving the cause of one  
 man with that of thirty millions; we must  
 separate them; they are indeed connected,  
 but by a very different bond from that  
 represented to us, for on the fate of Mr.  
 Hastings depends the future government,  
 and the future happiness of our possessions  
 in India.

A L B A N I C U S.

I N I S.







